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If Johnson Wins Big *The Editors*

THE NEW REPUBLIC

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Ensuring Fair Trials

The Impropriety of Publicity

Ronald Goldfarb

Reviews and Comment

Stanley Kauffmann on A Fine Madness

Carl Kaysen on Sloan of GM

Dwight Macdonald on Whose Oswald

Bernard B. Fall on Vietnam

Alexander M. Bickel on Civil Rights

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T.R.B. *from Washington*

Price of Tax Cut

★ Now, suddenly, the tax cut is law, and the civil rights battle is just ahead. Let us consider each – taxes first.

The original Kennedy tax bill was a sweetly proportioned economists' dreamboat. It was full of "reforms," *i.e.*, it closed loopholes. (These are mostly dropped.) It proposed $4.9 billion offsets to tax cuts. (Offsets are reduced to $800 million.) It proposed a smooth, two-stage stimulus. (Congress has concentrated most of the relief into one big bounce this year.) Again, JFK asked for speed. (Congress took a year and a half.)

The tax cut was exciting because for the first time we tried to abort a threatened recession before it happened; it was an economic pep pill wrapped in a deliberate deficit. This was revolutionary. The *Reader's Digest*-Eisenhower economic school will never be quite the same again. The world has moved. But deary me, what a price Congress has extorted!

To begin with: speed. While Congress fiddled, the British parliament, in April, darted in and out again with an equivalent tax cut that has been successful. We dragged it drearily out. One asks whether our government is nimble enough to achieve economic balance or can it only act after the emergency has appeared?

Most serious fault is in the who-gets-what. We think this is a rich man's tax cut. We fear it won't cut unemployment much because it tries to fertilize the economic plant at the top, not the roots.

You can skip this, if you hate figures; but here is the score as we see it: In 1962 the Treasury gave corporations a preliminary $2 B (for billions) tax cut. Now it gives them $2.2 B more, a total of $4.2 B. This money will go into great new factories and labor-saving machines (while the saved labor goes on the dole) although some 15 percent of existing factories are idle.

More valuable for the economy, the tax bill also gives some $9 B relief to individuals. Fine! But who gets what? From this total of about $9 billion for individuals, the poor man gets *no* relief. The grateful $3,000-a-year man, 2 percent; the $7,500-a-year man, 2.1 percent; the affluent $100,000-a-year man gets 8.3 percent and the rich $200,000-a-year man, 16 percent. And so on.

We figure that the well-to-do ($10,000 or over) constitute 13 percent of the population but that they get 33 percent of this cut. Maybe that's necessary. The trouble economically is that whereas the poor man spends his increase right away and thereby irrigates the economy, the wealthy man tends to *invest* a good chunk of his. Where does it go? Well, it goes into Wall Street, perhaps, to bid up the shares of General Motors stock; in other words into more plant and more automated machinery. It adds to the $4.2 B for corporate *investment* which we already mentioned above.

The irony is that President Johnson is simultaneously launching an attack on poverty. The shadow that lies over America's economy is unemployment – poverty – call it what you will. A better distribution of this big tax cut would have got the money down where it counts, consumption rather than investment. Better still, in retrospect, we could have spent this same amount of Treasury deficit in the desperately starved public sector: job-rich public housing, for example, urban renewal, mass transportation, schools and the like. What we see is an election year boom ahead; but one that may not last long because the tax cut stimulus is going to the wrong places and the wrong people.

Crunch on Rights

★ The other big bill is civil rights. We have come to the crunch on this. The most sweeping rights bill in history passed the House overwhelmingly, 290-130. Now it faces the tremendous drama of a Senate filibuster and the effort to apply cloture. Nine hardy civil rights bills have entered that cloture cavern and none has ever yet come out alive. A strange mood exists in Washington. Nearly everyone seems certain that a civil rights act will somehow appear and yet no one is able to say how; intuition transcends experience. We somehow feel that intuition is right too.

This is more exciting than a pennant race. With 37 Senate votes the segregationists can block action, inflame hatreds, disrupt legislation, promote civil disturbance and prove that the American government can't govern. Under Rule 22 that is all the votes they need – one more vote than two-thirds (if all 100 are present and voting).

To apply cloture the Administration must somehow mobilize 67 votes and it can't do that itself; it must get a minimum of 25 out of the 33 Republicans in the Senate. You can see how close the margin is. Normally a number of Republicans, as well as Democrats from small Western states, vote against cloture. Goldwater has already said he will. If they do so this time, the civil rights bill is lost.

All-or-Nothing

★ Will there be a compromise? Many think so but we don't see it that way. It looks like an all-or-nothing situation. The Administration is ready to put the blame on the Republicans; the Republicans are watching with hawk eyes for the slightest tendency to compromise by President Johnson. In the House, for example, Rep. John McCulloch (R, Ohio) saw Senate Majority Leader Johnson compromise the 1957 civil rights bill out from under him; he's not going to let that happen again.

Curiously enough it may be that quaint figure, Senator Dirksen, who has the final word. He controls enough Republican votes as Minority Leader to write his own ticket. He was adamantly against the accommodations feature. Now he is suddenly softening. Does he want it said the Republicans wrecked the bill? All 12 Illinois House Republicans voted for passage, accommodations feature and all.

It's not going to be easy to enforce this bill even if passed; civil rights bills passed in 1866 are still not enforced. But we have got to try. Only one thing in the final analysis, we think, can really reach into the august Senate and halt this filibuster: public opinion.

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If Johnson Wins Big

Last week's Supreme Court decision on reapportionment of Congressional districts, analyzed elsewhere in these pages, is expected to make little political difference next November. Many state legislatures will not reconvene before then to carve out districts roughly equal in population. To attain the Court's objective, suits must be filed in state after state. These in turn will be followed by appeal after appeal. Finally, the Court has not yet laid down any prohibition against gerrymandering – a tactic by which both political parties have traditionally disregarded the contiguity or compactness of a district in order to preserve a "safe" seat.

But if the reapportionment decision proves to have negligible influence on the composition of the next House of Representatives, the popularity of Lyndon B. Johnson eight months from now is quite another matter. Judging by present signs, the only confidence any Republican Presidential candidate dares have is that November is far off, and that something will turn up meanwhile that will defeat the Democrats. Something well might, but the hope is a gossamer one on the preliminary evidence offered in last week's national poll by Louis Harris. It showed that the President is the preferred candidate of at least 60 percent of the voters against *any* recognized Republican opponent. The margin of Johnson's lead varies only slightly from region to region; he appears to be way ahead in the South as well as in the North, East, Midwest and West. Against all four of the major Republican candidates combined (Nixon, Goldwater, Rockefeller, Scranton) the President is favored by 67 percent of whites polled – and 79 percent of the Negroes. He takes 70 percent of the city, 69 percent of the suburb and 60 percent of the farm vote. He rates as the favorite among 76 percent of Catholics, 64 percent of Protestants and 75 percent of the Jews.

No poll taken today can accurately predict the voters' preference in November. In February, the incumbent is better known; he is running against a broken field. After the conventions, each party closes ranks; each candidate becomes a truly national figure. Nevertheless, if a team is ahead by four touchdowns at the end of the first half, it has a better chance of winning, and handily, than if it were only ahead then by a field goal.

If one does assume a result resembling the Democratic landslide Harris' poll portends, the Democratic majority in the Congress will certainly be substantially larger than at present (the party that takes

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the White House always picks up additional seats); and most of these new Representatives will come from outside the South; with very few exceptions, Southern representation is already Democratic. An 89th Congress that is as strongly pro-Administration as was the 1936 Congress of FDR would assure a hospitable reception to the populist, welfare legislation that is so close to Mr. Johnson's heart. But, ironically, it would probably assure as well a slacking off of pressure for House reform. With the power of the old Dixiecrat-Republican coalition sharply curtailed, the zest for institutional changes in the seniority and committee systems will inevitably sag. "After all," one can hear liberal Democrats saying to each other, "our boys are moving into the leading positions on committees; we have the votes; let's concentrate on passing legislation."

It is also reasonable to expect, we believe, that a big Johnson win would mean a revision of some of our foreign policies – for example, a new Cuban policy that does more than alienate trade-hungry allies, strengthen Castro and discredit America's reputation for steady, sensible leadership. One can understand why such a revision is not politically prudent now. For one thing, the incumbent is where he is by inheritance – not by popular choice. He took over, furthermore, from a President who had himself yet to receive an impressive electoral mandate. For both reasons (not to mention Mr. Johnson's natural desire to offend as few voters as possible between now and November), the President may be averse to risking any experiments in foreign affairs. The outmoded simplicities of the Stalin era must, temporarily, be respected in public, however irrelevant they are.

With a strong vote of confidence this November, however, and the consequent presence in Congress of a large number of Democrats for whose election he is to some degree responsible, Lyndon Johnson could feel free, and be free, as he is not today, to open some new doors and peer down some new avenues of thought. It won't be easy – all of us are in part prisoners of the past – but we believe Lyndon Johnson can do it. Mr. Eisenhower proved in Korea that a popular President can make peace without dishonor.

Guidebook ("Conservative")

William Buckley Jr. has explored the inner recesses of Senator Goldwater's mind and returned with a map that can be purchased for 25 cents from Dept. R, *National Review*, 150 East 35th Street, New York City. There are some late details missing. Thus, we do not find any reference to the Senator's belief that Secretary McNamara is "stupid," or that the Marines should have been dispatched to Cuba to turn on the water. Some old landmarks are missing too; such as Goldwater's notion that the desegregation decision of the United States Supreme Court is not the law of the land. We learn, however, why, if you are a Negro, you should vote "conservative." As Mr. Buckley says: "As regards their own special interests, wise Negroes would vote for Goldwater because as members of the minority group, they are inevitably at the mercy of the majority, with whom at all costs they must avoid a head-on race struggle." Don't bite the hand that pinches you.

What about this war on poverty? Mr. Buckley explains that poverty in the US really ought to be defined as "squalor," which is an important distinction. Poverty is being poor. Squalor means, says Webster, "roughness, filth, dirt . . . an unkempt condition."

The Senator has been misunderstood on this matter of withdrawing from the United Nations. He's not for that. He's for threatening it: "If we threatened withdrawal over the issue [of Communist Chinese membership] the UN would never admit Communist China." He has been misunderstood too about withdrawing recognition from the Soviet Union. That act would not increase the danger of war, because as Mr. Buckley explains, "there is no correlation between formal diplomatic relations, and peaceful relations."

There's more. Buy it and see for yourself.

Warren Commission

The Commission to investigate the assassination of President Kennedy has heard testimony from Lee Harvey Oswald's widow and mother. At the end of the first day of hearings, both Mr. J. Lee Rankin, counsel to the Commission, and Chief Justice Warren, its chairman, spoke informally to the besieging crowd of reporters. They conveyed the suggestion that Oswald's widow had come forward with new evidence tending to prove his guilt. The Chief Justice also dropped the startling hint, which he later partially withdrew, that portions of the evidence gathered might have to remain secret because of its potential effect on our foreign relations. After Oswald's mother was heard, the Chief Justice's remarks to the press suggested that her efforts to defend her son had not amounted to anything.

The Commission's public performance has been inept. There has been more than enough of rumor, of self-serving statements by interested parties, and of verdicts privately arrived at but publicly announced. The Commission is powerless to stop the two Mrs. Oswalds from holding press conferences, and it is not yet ready to issue any conclusions of its own, which might, so to speak, occupy the field. (Even if it had its conclusions ready, it could not very well issue them while Ruby still remains to be tried.) But by feeding the

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truth to the public in small occasional fractions, the Commission becomes just another voice in the discordant chorus of the past few months.

No doubt the temptation must be strong to counter statements by others which the Commission believes to be false, but it cannot expect to catch and correct each single error that is asserted in public. It is much better, therefore, not to try to pursue any, and to let truth eventually dispose of them all at wholesale.

Choosing a College

The National Merit Scholarship Corporation was established in 1956 to seek out the most talented high school seniors in the country and give them enough money to attend the colleges of their choice. Predictably, the 6,823 winners since then have not distributed themselves evenly among the nation's 1,200 eligible colleges, a dozen of which have attracted more than a third of the winners. The pattern of concentration has been quite stable. By comparing the number of winners already graduated from one of these colleges with the number currently enrolled, a rough idea is obtained of how each college's popularity in 1956-59 compares with 1960-63. Harvard-Radcliffe, for instance, enrolled 12 percent of all NMSC winners in 1956-59; during 1960-63 its share fell to 11 percent, which is still more than double the share of any other institution. NMSC enrollments of the 12 most popular colleges are:

	1956-59	*1960-63*
Harvard	247	344
MIT	160	219
Radcliffe	82	111
Stanford	77	143
Yale	69	129
Princeton	70	127
Cal Tech	60	94
Rice	51	130
Swarthmore	58	75
Michigan	59	69
Cornell	43	68
Macalester	19	89

The Court Intervenes

Substantial equality of Congressional districts is the "standard of justice and common sense," which federal courts throughout the country will hereafter enforce, the Supreme Court has decreed. The opinion handed down February 17 was by Mr. Justice Black for a Majority of six. The dissenters were Justices Clark, Harlan and Stewart.

In 1962, years of agitation and litigation culminated in the Court's asserting federal jurisdiction over the apportionment of state legislatures. Last week's decision is a second climax. The forces behind the agitation and behind the Court's decision have been, generally, the Northern Democrats, urban and labor interests; in short, those who want to get America moving again, and who since the earliest New Deal have felt frustrated by Congress. Yet last week's decision found as much favor with the chairman of the Republican as with the chairman of the Democratic National Committee. For nobody knows now where the partisan advantage will lie when the smoke of litigation finally clears.

Those who feel sure that the country *would* move forward more rapidly but for a malapportioned legislature may forget, however, that many a "conservative" suburb and exurb that has burgeoned in the last decade is at least as underrepresented as many a "progressive" city. It may be noted also that two of the most populous and underrepresented districts in the nation are Maricopa County (Phoenix), Arizona, and Dallas County, Texas. Congressman John J. Rhodes, an ardent Goldwaterite, represents the former. As for Dallas, nearly a million people there send the antediluvian Republican, Bruce Alger, to the House; after reapportionment half a million people each may send two Algers. Unless, of course, reapportionment is accompanied by a skillful gerrymander, which can come near to making substantial equality a farce. What Eric Goldman has said of the initiative, the referendum, the recall and other Progressive reforms of the early 1900's, may apply to the ultimate impact of today's apportionment reform: "The most conspicuous result was the lack of any results."

Nevertheless, if the decision is right on principle, then presumably it is right regardless of whom it helps or hurts in future elections. Is it right on principle? Justice Black argues only that his conclusion follows from the language and the history of the Constitution. The language is that of Article I, Section 2: "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States." Yet no matter how often one intones the phrase "chosen by the People of the several States," there is nothing in it that seems necessarily to refer to equality of Congressional districts. Indeed, Section 2 of Article I goes on to say quite plainly that the States may decide for themselves who shall vote for the Members of the national House of Representatives, except that the qualifications cannot differ from those established by the States for the more numerous branch of their own legislatures. And in fact nothing in this Article has prevented the States from imposing property qualifications – poll taxes until just the other week when the Twenty-Third Amendment became effective, and disabilities based on sex until the Nineteenth Amendment was enacted in 1920.

If one assumes that every time a Founding Father

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used the word "People," he had in mind the Georgia Congressional Apportionment Act of 1931, the case for the Court Majority is made out. But if the intensity of one's convictions does not quite lead to this daring assumption, various remarks by Madison and James Wilson and others remain at best ambiguous, and there is left in any event the question of whether the views of these particular Fathers were adopted by the Constitutional Convention. It would have been easy, after all, for the Convention to say that all votes must count equally. Justice Black's historical case is unconvincing and probably, as Justice Harlan said in dissent, "demonstrably unsound."

Certainly the disparities in House representation illustrated in the table on this page are often extreme. But we must ask how far we wish to go in the direction of mathematical equality. Either proportional representation or statewide at-large elections would attain mathematical equality for every vote cast. But proportional representation encourages small parties, and ends invariably in unstable or paralyzed multi-party government. At-large elections tend to the other extreme: the losing party loses everything, not only the power to make its views prevail in the national House, but also the right to make them heard. No State in recent times has willingly adopted either system, nor does Mr. Justice Black's opinion advocate either system.

In brief, no one, no matter how strong his attachment to the notion of equal votes, regards equality of representation as the single over-riding objective. On reflection, we all acknowledge other goals as well – stability, enhancement of the two-party system, representation of the loser as well as the winner, and representation also of isolated and even alienated interests. It is at least as important that the largest possible variety of interests in this immense country be reflected in the House, have access to it, have some share of power, and thus gain, in the late Judge Learned Hand's phrase, a sense of common venture in government – all this is at least as important in our heterogeneous republic as the simple notion of one man, one vote.

AMB

Disparity in Congressional Representation

Following is a list of the 50 states, showing the largest and smallest districts in each, and the difference between the two. The figures in parentheses denote the number of Representatives elected from each state. Those states for which no population figures are provided elect all their Representatives at large. The population figures are based on the 1960 Census: [© The New York Times].

Number of Representatives	Largest District	Smallest District
Alabama (8)	.....	.....
Alaska (1)	.....	.....
Arizona (3)	663,510	198,236
Arkansas (4)	575,385	332,844
California (38)	588,933	301,872
Colorado (4)	653,954	195,551
Connecticut (6)	689,555	318,942
Delaware (1)	.....	.....
Florida (12)	660,345	237,235
Georgia (10)	823,680	272,154
Hawaii (2)	.....	.....
Idaho (2)	409,949	257,242
Illinois (24)	552,582	278,703
Indiana (11)	697,567	290,596
Iowa (7)	442,406	353,156
Kansas (5)	539,592	373,583
Kentucky (7)	610,947	350,839
Louisiana (8)	536,029	263,850
Maine (2)	505,465	463,800
Maryland (8)	711,045	243,570
Massachusetts (12)	478,962	376,336
Michigan (19)	802,994	177,431
Minnesota (8)	482,872	375,475
Mississippi (5)	608,441	295,072
Missouri (10)	506,854	378,499
Montana (2)	400,573	274,194
Nebraska (3)	530,507	404,695
Nevada (1)	.....	.....
New Hampshire (2)	331,818	275,103
New Jersey (15)	585,586	255,165
New Mexico (2)	.....	.....
New York (41)	471,001	350,186
North Carolina (11)	491,461	277,861
North Dakota (2)	333,290	299,156
Ohio (24)	724,156	236,288
Oklahoma (6)	552,863	227,692
Oregon (4)	522,813	265,164
Pennsylvania (27)	553,154	303,026
Rhode Island (2)	459,706	399,782
South Carolina (6)	531,555	302,235
South Dakota (2)	497,669	182,845
Tennessee (9)	627,019	223,387
Texas (23)	951,527	216,371
Utah (2)	572,654	317,973
Vermont (1)	.....	.....
Virginia (10)	539,618	312,890
Washington (7)	510,512	342,540
West Virginia (5)	422,046	303,098
Wisconsin (10)	530,316	236,870
Wyoming (1)	.....	.....

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Boy, Don't You Know I'm on Camera?

Dallas

The definitive comment on Dallas will always belong to Art Buchwald, the social historian, on an evening when he was condemned to one of those television panels that were a peculiarly disgusting consequence of the events there last November. It was, the moderator said, so unfair to single out Dallas. "Why," he asked, turning to Buchwald for comfort, "does everyone keep blaming Dallas for this? It could have happened in any other city in the United States."

"It didn't," Buchwald answered.

Who would have expected to come to Dallas guarding oneself against hating and suddenly only vulnerable to pitying? For it turns out pathetic. As a friend of mine once said in another connection, people keep talking about *hubris*, and when you arrive there is nothing there but *chuzpah*.

Dallas, first of all, is shabby. There is nothing here between the photographs of Walker Evans and the architecture of the Aluminum Corporation of America. There are, of course, the skyscrapers, plopped in the mud and pretending to reach for the stars. The effect is childish in the most literal sense; if you went to a store and bought one of those plastic skyscraper model kits for a little boy and he put the various pieces together and set them at random about a sandbox, he would have built Dallas.

Now the city has begun the attempt to try Jack Ruby for having killed Lee Oswald supposedly for having killed the President of the United States. Ruby turns out to be a pallid man with a bald spot down to the back of his neck, sitting in a courtroom whose chartreuse walls turn his flesh sickly green. We look at him and understand the ultimate failure of Dallas: it was not merely incapable of protecting John F. Kennedy from what was done to him and of protecting Lee Oswald from what was thereafter done to him, but was not even capable of protecting Jack Ruby from what he did. He sits there, trapped. To watch him is to wonder why we fail not just the victim but the murderer.

"This is a fellow," says Tom Howard, formerly of defense counsel, "who is looking at an awful lot of time." Jack Ruby, when they find a jury, will probably go to jail for the rest of his life.

He is being tried by District Judge Joe Brown in a courtroom with ceilings decorated with corinthian marzipan and cooled by overhead fans, filled with the correspondents of European papers who hate America, and almost none of us who love her. A reporter walked over to Judge Brown to ask him a question the other day and the judge moved him aside to clear the view for the television and said to him, boy, don't you know that I'm on camera? One enters the courtroom and is frisked up, down and around by members of the Dallas County sheriff's posse. Jack Ruby is being tried by the prosecuting attorney who helped create the atmosphere which brought Jack Ruby to kill Lee Oswald; it becomes peculiarly necessary that Jack Ruby be convicted to clean absolutely the slate and to make it unfeasible that any of us might remember what the prosecuting attorney had done in the first instance.

Suddenly, as for Dallas, there is this terrible, unexpected pity for Jack Ruby. That awful thing happened, and three months went by and there was no one left to be judged and punished but the proprietor of a strip tease emporium.

MURRAY KEMPTON

FOREIGN REPORTS

CYPRUS: *Digging In*

★ Cyprus got its independence by a treaty that entitled Britain, Turkey or Greece to interfere in the island's affairs if intervention seemed to them necessary to preserve an unworkable constitution. This was like creating a bomb with a time fuse and, inevitably, the three powers as well as the US and the United Nations have found themselves involved in frantic attempts to prevent the bomb going off. A Turko-Greek war would blow up the North Atlantic Treaty Organization and might blow up the United Nations as well.

President Makarios alleges that the Turkish Cypriot minority by abusing their constitutional veto over legislation threatened to bring government to a standstill. When he proposed altering the constitution the Turkish Cypriots demanded the partitioning of the island. A massacre of Turks ensued and produced a threat of intervention by Turkey. But in fact there is reason to believe that neither Turkey nor Greece wants a war over Cyprus. The Cypriots bear the entire blame for the present situation, for what made the constitution unworkable from the start was their apparent determination to bear arms against each other rather than to try an amicable coexistence. The Greek Cypriots were schooled in bloodthirsty guerrilla warfare against the British (who now have had to return to the island as a buffer) but the Turkish Cypriots have proved just as apt at ambush and butchery. Unless both groups of Cypriots give some sign of genuinely wishing to try to

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live side by side, the best solution would be to exchange Turkish Cypriots for Greeks in Turkey. The alternatives are partition, adding an island in the Mediterranean to the number of places in the world divided by demilitarized zones, curtains and walls; or putting the Turkish minority under perpetual UN protection.

Meanwhile, our correspondent writes from Cyprus:

Both sides are digging in for a long spring battle. Turkish Cypriot leaders already have moved most of their people into small pockets in the northern part of the island, 40 miles from the Turkish coast. Greek Cypriot high school girls divide their afternoons between first-aid lessons and weapons training. Old British military maps are being brought up to date with possible Turkish invasion points marked off.

Business is almost at a standstill; stores are offering unprecedented sacrifice sales. Arms and ammunition arsenals are swelling and local gunmakers are wined and dined like royalty. Everybody who is anybody wears some sort of uniform. Greek and Turkish irregulars are in one-piece khaki riot suits and steel helmets, or army surplus Eisenhower jackets with ill-matched trousers. A new Greek commando force soon will wear green berets embroidered with skull and crossbones under a Spartan inscription in ancient Greek that is roughly translated, "Now or Never."

Even a large section of the British press corps has adopted a somewhat impractical battle dress of their own – tight, calf-clinging cream trousers and ankle-high suede shoes.

When not on alert or fighting Turkish insurgents, Greek irregulars engage in nervous quarrels among themselves over such issues as who gets the Schmeisser this time. The current joke making the rounds in Nicosia: "I could kill my enemies for a cigarette or a piastre. You're my best friend. I could kill you for nothing."

Among Turkish Cypriots there are continual reports of leadership quarrels. Money is scarce because the Cyprus government refuses to pay Turkish civil servants' salaries. Understandably, few have reported for work. Uprooted from farms and villages when the fighting broke out, thousands of people are wallowing in mud-bogged tents or billeted with obliging relatives. Food is rationed, and most cinemas and nightclubs are closed. There is little entertainment except pirate radio broadcasts which the government jams periodically.

To hear Greek Cypriots tell it, the island has become a nest of foreign intrigue. Many believe that the US has sneaked in CIA men under the guise of radio technicians for the American relay station here. But the Americans insist that on the contrary they are paring staff, both at the station and at the embassy itself. US dependents and technical-aid assistants and Peace Corps men have departed.

ETHIOPIA: *The King of Kings*

★ At the Addis Ababa "Summit" last May an African emerged as a towering figure. There was one man to whom all deferred, with whom no one dared seriously disagree, who could wring concessions from the most maverick delegations. Since then, Haile Selassie has grown further in stature. Ben Bella of Algeria even has proposed the emperor of Ethiopia for the Nobel Peace Prize. At the Kennedy funeral, where his royal rank put him at the front, level with de Gaulle, Haile Selassie clearly represented not just one country, but Africa.

His sudden self-injection into the Algerian-Moroccan conflict sprang from his new-found rank. Back in his palace, he might have hesitated. But being in the Maghreb at the time of the fighting, he seized the nettle at once and became the mediator. The Bamako conference was a sort of conjuror's trick. It decided nothing, but in African eyes it was a success in that an African conflict had been dealt with, without help from outside.

However, if Selassie's sweet reasonableness about arbitration sounds like music in most African ears, it sounds discordant in Ethiopia where logic might seem to dictate committing to arbitration Ethiopia's own frontier conflict with Somalia. Of the 35 boundary disputes in Africa, the hottest border is the Somali frontier with Kenya and Ethiopia.

Somalia came into being in 1960 with the merger of British Somaliland and the Italian trusteeship territory of Somalia. The other areas in East Africa which are Somali in fact if not in current political geography are an enclave to the north called French Somali Coast, the Ogaden region of Ethiopia, and northeast Kenya.

The trouble began in Ethiopia with a tax on livestock. Flocks are about all that a Somali has, and Somali herdsmen in Ethiopia balked at paying. There were clashes; Somali district commissioners sided with their linguistic brothers against the Ethiopian government and were replaced; a resistance movement took to the hills under ex-commissioner Muktal Dahir, a 60-year-old colossus who has spent 10 years in the Emperor's prisons. Haile Selassie says, in effect, that Somalia will get the Ogaden, with its half-million Somalis, when hell freezes.

French Somali Coast contains principally Jibuti, the main port and rail-head for Addis Ababa. The French could run these facilities well enough under Somali rule, but are hesitant to cede the enclave for fear of the wrath of the King of Kings.

Britain's Colonial Office agrees that the Somalis of Kenya (about 100,000) want to join Somalia and that it would be perfect sense to let them do so. The contested area is charred pasture; it is difficult for Kenya to administer, and costly to police. But the Kenya government is opposed to losing face by losing territory.

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Anticipating eventual secession, British Colonial Secretary Duncan Sandys last March made the Somali-speaking area a separate administrative unit in the Kenya federation; but this was not enough for Somalia, which broke diplomatic relations with London. In the Kenya elections, not a vote or a candidate appeared in Somali territory, and the five Somali seats in Kenya's parliament remain empty.

Nobody took much interest in Somalia's problems until Somali Premier Scermake looked East for help. Now, the Chinese embassy is the most influential in the Somali capital, Mogadiscio. Russia has promised military aid, which would help boost the Somali armed forces to 20,000 and equip them with armored cars and heavy artillery, and this might make Somalia almost a match for Haile Selassie's 25,000 soldiers.

JAPAN: *Reversing the Dummies*

★ Pressure is coming from businessmen and conservative members of the Diet for Japan to follow France in recognizing China. Japanese relations with Peking have progressively improved since Hayato Ikeda became premier three-and-one-half years ago.

An "independent" foreign policy, a "self-reliant" foreign policy – these have been the catchwords of the Ikeda administration. Yet in practice Mr. Ikeda operates under restraints far more burdensome than those of his European colleagues. For the major area in which Japan can assert its "independence" is China policy, regarding which American reactions tend to be emotional.

Japan would like to recognize and trade with both Chinas, Nationalist and Communist. Japan has an extensive and favorable trade with Taiwan, which it ruled as a colony for 50 years. The Japanese government, if not the Japanese people, feels a moral obligation to the Nationalists, who as one of the principal victorious allies in 1945 could have but did not demand reparations from Japan. "We owe the Communists nothing. But our debt to the Nationalists is endless," Foreign Minister Ohira has said. Taipei has powerful political and business friends in Japan, including senior politicians like former Premier Kishi.

Nevertheless the Sino-Soviet split offers the Japanese businessman the heady prospect of having the best of both worlds. Peking and Moscow, so he hopes, will look to Tokyo to supply many of the goods they used to exchange with each other, because Tokyo is the industrial center closest both to China and to the Soviet Union's rapidly developing Siberian territories. Many firms which used to set up dummies to trade with Peking, for fear of endangering trade with Taipei, have abandoned these dummies and are establishing "reverse dummies" for the Taiwan trade.

Pierre Mendès-France

Why He Disagrees With de Gaulle

On the walls of certain French towns the scrawled words *"de Gaulle – Mendès France"* can be read, still uneffaced although they date back three years. These inscriptions were intended as denunciations; their authors were partisans of French Algeria and champions of the colonial Empire. In their eyes, Mendès-France was the symbol of a defeatist and liquidationist liberalism. To point up their criticism of de Gaulle, they were warning the people that in the final analysis this French general was on a par with the dishonored statesman.

The comparison was distasteful to the friends of Pierre Mendès-France. To be sure, everyone could recall those days in 1942 when Mendès-France was in London and one of General de Gaulle's first colleagues; also, that he had served as a minister in de Gaulle's first cabinet after the liberation of France. No doubt, too, everyone could remember that during the last year of the Fourth Republic – that is, when the Socialists in power were being chewed up by the Algerian war – there was some talk of a rapprochement between these two "providential mavericks," as they were both called. The fact is that the two men always have had certain traits in common: they were both lone wolves, isolated within their respective parties; both invariably played the Cassandra role; both were unpopular in peacetime and only called upon by the nation when it was tottering on the brink of the abyss. De Gaulle appeared as the last resort after the defeat of the French Army in 1940; and Mendès-France appeared as the providential leader after the French defeat in Indochina in 1954.

Both are described as having character – in other words, strong willpower – and even as being slippery: in other words, they are "sinister." Persons who have worked with them stress the decisiveness of both and the absolute determination of each not to turn power over to the trusts, or to lobbies or to the military. It is a fact that under the governments of de Gaulle and of Mendès-France, there has never been a crisis of authority. And finally, the general ideas of both Mendès-France and de Gaulle are imbued with a profound sense of patriotism. These similarities are insignificant, however, when compared with the fundamental differences which separate the two men, and which explain why the inscriptions posted by de Gaulle's enemies were thought outrageous by Mendès-France's friends.

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Mendès-France is the purest incarnation of the Jacobin tradition in France. His most implacable political opponents recognize that he is the most authentic and the most intransigent democrat ever to have been produced by French political tradition. So far as he is concerned, respect for popular sovereignty, for parliamentarianism and constitutional rules is a religion.

After serving as the youngest mayor of France and then as the nation's youngest parliamentary deputy, Mendès-France devoted his life to parliament. It was to him the sole repository of national sovereignty and constitutional legitimacy. While he was President of the Council of Ministers – for exactly seven months and 17 days – he imposed upon himself the task of rendering an accounting each week to parliament and to the nation. He did not do this in a haughty and machiavellian spirit, nor in the spirit of an enigmatic oracle, but rather as one who is a responsible leader who has made a certain number of promises and who wishes to prove that he has kept them.

This is why Mendès-France could only be revolted by the terms on which General de Gaulle returned to power in 1958. Regardless of what de Gaulle may have subsequently done, in Mendès-France's eyes he was guilty of the original sin of profiting by a *coup* to get himself installed in the Elysée Palace. Certain aspects of the policies which de Gaulle carried out were branded as those of Mendès-France. That made no difference: Mendès-France rejected Gaullist policy *in toto* because it was vitiated at its beginnings. According to Mendès-France, de Gaulle's political crime consisted of preventing the French parliament from opposing the Algerian generals' pronunciamentoes on May 13, 1958. His second political crime was that he made these generals believe he was on their side, thus sweeping a whole segment of French public opinion along with him; and that he betrayed what may have resembled promises. Obviously, too, there was that Gaullist Constitution, more monarchical than presidential, which – according to Mendès-France – de Gaulle imposed by the chicanery of a referendum which was in reality nothing but a series of plebiscites corrupted by the fear of civil war.

Contract with the People

When various associates would call on him and try to convince him that the General was simply using different methods to carry out Mendès-France's policies (and this without causing himself to be overthrown by the lobbies at the end of six months), Mendès-France would reply that he needed no second person to point out the complexity of a great man like de Gaulle. Indeed, in his first inauguration speech in 1954, Pierre Mendès-France recalled that three men in his life had left a lasting mark on him: Poincaré, Léon Blum and Charles de Gaulle. Before 1958 and the May 13 *coup*, Mendès-France was wont to say that the General was a genius in making major decisions and envisioning the future, but that he was incompetent and paralyzed by the demands of day-to-day decisions. This is why some young intellectuals and technocrats – the New Frontier of those days – dreamt of a regime in which de Gaulle would be President of the Republic and Mendès-France the Prime Minister. Mendès-France himself had no faith in it; and after May 13, 1958, he vigorously disavowed all those who persisted in this dream.

A careful reading of the book he wrote in 1962, and which has just been published in the United States, reveals the substance of the views for which Mendès-France has never ceased to fight. He criticized the Fourth Republic for its inability to govern because all the power was concentrated in the hands of the National Assembly. He criticizes the Gaullist Fifth Republic for its authoritarianism, because all the power is in the hands of the President of the Republic. Democracy, by contrast, resides in the balancing of a nation's powers: "Under the Fourth Republic opinion was deluded; under the Fifth it is disavowed."

Pierre Mendès-France is hostile to the idea of presidential government, an attitude which separates him from the socialist Gaston Defferre, whose candidacy he nevertheless supports for the succession to General de Gaulle in the presidential election to be held by the spring of 1965. He also holds that the presidential role as envisaged by General de Gaulle, and even by Gaston Defferre, concentrates too much power in the hands of one man, and tends to remove politics from the arena of public opinion; when the representatives elected by the people have no authority, the people no longer take them seriously and cease to exert any pressure on them.

For Mendès-France, the only truly democratic government well adapted to French traditions is the so-called legislative form: the government enters into a contract with the Assembly and lasts as long as the latter endures. He envisages a parliament that regains all the legislative power of which it has been deprived under the Fifth Republic; however, the government would receive a delegation of powers which is essential to the complete execution of the contract. The Assembly may overthrow the government if it believes that the contract is not being lived up to; but the government may dissolve the Assembly if it believes that a change in the attitude of the majority is preventing that body from fulfilling the contract.

Mendès-France has a sense of the concrete, of the specific, of the feasible. At the same time, he has a sense of democratic responsibility, and this is why he does not seek blind faith, a blank check drawn on the future: he makes specific promises and says, "Let me

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keep them, and turn me out of office if I don't." It was on the basis of such a contract, or better still, on a *bet*, that Mendès-France came to power in 1954, when he was the most popular man in France and perhaps in Europe. He had wagered that he would finish off the Indochinese war. As soon as he had won his wager, the men who felt humiliated at having had to appeal to this implacable and redoubtable critic of the Fourth Republic's weaknesses threw him out of office.

On the subject of Europe and especially the integration of the various European armies into a single European force, Pierre Mendès-France has in the past taken positions which might well pass as Gaullist today. Nevertheless, these views would never have led him to espouse a Franco-German bloc or to establish a national *force de frappe*. On the subject of relations with the United States, we may rest assured that he is not motivated by chauvinism of any sort. He has always held that democrats anywhere in the world who want to maintain world balance and peace should wish the United States to keep its present military force intact.

De Gaulle has an aesthetic and to some extent a Nietzschean concept of authority. He has written that a leader must be a strategist, a tactician, oracular and proud. If destiny has chosen him, and in order to carry out the noblest objectives, he has the right and even the duty to refrain from using the straightforward ways of ordinary men. For Mendès-France, on the other hand, all men are equally "ordinary." No one is chosen by destiny. Thus, even if de Gaulle and Mendès-France have the same objectives, they differ so widely on means that, in the last analysis, they are more radically opposed to each other than real enemies.

JEAN DANIEL

Ensuring Fair Trials

The Impropriety of Publicity

by Ronald Goldfarb

The Constitution says that in all criminal prosecutions the accused shall have "a speedy and public trial by an impartial jury." How public need a "public" trial be? Must all people be allowed to attend? Does this include newspapermen? TV cameras? How can we balance the right of the press to inform, and of the defendant to have a fair, impartial jury?

Consider the accused. He has been put to a tremendous and avoidable ordeal and expense if in fact he has been convicted as a result of unfair publicity. A later reversal is a moral victory only.

Consider the government and the public. When the prosecutor is instrumental in fomenting prejudicial publicity, he can only blame himself if a reversal follows on this ground. The case of *Stroble v California* involved a particularly horrible murder of a six-year-old girl by Stroble, a man old enough to be her grandfather. He had made advances upon her, and when she resisted he choked her, hit her on the head with a hammer and an axe, stabbed her with an ice pick and a knife and then ran away.

Following the crime, the killer was described in the local newspapers as the "werewolf," "fiend" and "sex-mad killer." Then Stroble was arrested. At periodic intervals the district attorney released to the press excerpts from Stroble's confession. These were printed. Later, the DA made public pronouncements that in his opinion Stroble was guilty and sane. Stroble was at last tried and convicted. His conviction was upheld by the Supreme Courts of California and the United States. One of his claims on appeal was that prejudicial publicity deprived him of a fundamentally fair trial as guaranteed by the due process clause of the 14th Amendment. At least some of the extraordinary publicity which accompanied this trial was avoidable. The bar cannot blame the press for its mischief when it is an accessory to the publicity.

Not long ago, a colorful Chicago personality, Tony Accardo, was convicted in a criminal tax case. In contrast to *Stroble*, there was no claim that the prosecutors leaked information, or that they made any comments about the case at any time – but there *was* heavy press coverage. An appellate court reversed the con-

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viction, giving as one reason that prejudicial publicity deprived Accardo of a fair trial. On retrial, Accardo was acquitted. One might argue that it was wise to reverse the original conviction because without the prejudicial publicity Accardo could not have been convicted. However, it might as well be true that the imponderable vicissitudes of the trial system worked in Accardo's favor the second time around. We can't know because we don't really know what effect even extreme press coverage of trials actually has on juries.

H. L. Mencken long ago challenged the courts to exercise some control over the problem of publicity. "The courts must set the standards," he said. "The better journals will follow joyously and the gumchewers' sheets must be whipped into line." But what the courts are doing is often inadequate.

American courts use several procedural techniques to try and filter out the prejudices of publicity. A defendant can move for a continuance or a change of venue when he feels he cannot get a fair trial at a particular time or place. But this claim is hard to prove and can be futile when provable: the flames of interest can be rekindled by the press at any time. Also, the pervasive coverage of the news by national TV renders techniques like changing the venue obsolete. Where in the United States, for example, would Billie Sol Estes and his exploits not have suffered from overexposure?

Voir Dire, the examination of prospective jurors under oath by both sides (and often by the court) before they are empanelled, is another procedure for sifting away the prejudices caused by pretrial publicity. Both sides may challenge jurors for cause unlimitedly, and may exercise a limited number of challenges peremptorily. The trouble is that the key question is left to the juror himself, or to the intuition of the attorneys. And the jurors most guilty of prejudice may be those least likely to admit it, while the juror who could act judiciously might, out of an excess of caution and impartiality, excuse himself. Furthermore, the questioner runs the risk of antagonizing the jury by questioning its impartiality, or of calling to its attention that which it might have otherwise missed. I have always felt in conducting *voir dire* examinations that I was flying by the seat of my pants.

COMING: *Murray Kempton on the Liston-Clay fight in Miami and more on the Jack Ruby trial*

The court will also instruct the jury what to consider and what to ignore. Jerome Frank equated this procedure with Mark Twain's story about the young boy who was told to stand in the corner and not think about a white elephant. "The futility of that sort of exorcism is notorious," Justice Jackson stated in one of his Supreme Court opinions that reliance on court instructions to cure prejudices was a naïveté which "all practicing lawyers know to be an unmitigated fiction." Yet Judge Learned Hand, in commenting upon this problem, said: "Trial by newspaper may be unfortunate, but it is not new and unless the court accepts the standard hypothesis that cautioning instructions are effective, criminal trials in the large metropolitan cities may well prove impossible."

The courts do have the power to punish anyone who obstructs the administration of justice by summarily punishing him for contempt of court, and in England the exercise of this power against the press has been strict and far-reaching. In the United States the contrary has been so.

The English courts apply a Draconian control over press coverage of trials in order to keep the "streams of justice" pure. Contempt punishments have been meted out for such journalistic mischief as the discussion of evidence which was later ruled inadmissible, articles describing a newspaper's private detective work, articles about matters not brought out in open court, and news films of an arrest. Criticism of judges is not usually considered a contemptuous obstruction of justice, but two recent cases indicate that this rule has its dangerous exceptions. The editor of the *New Statesman* was fined for the publication of one such article. Dr. Marie Stopes, an advocate of birth control, had accused the *Morning Post* of refusing to print her advertisements because of Roman Catholic influence. The *Post* sued her for libel and won a verdict. The *New Statesman* then ran an article which said: "The serious point in this case, however, is that an individual owning to such views as those of Dr. Stopes cannot apparently hope for a fair hearing in a court presided over by Mr. Justice Avory – and there are so many Avorys." More recently in England the editor of *Truth* was fined for a criticism which was hardly noticeable, let alone dangerous to the whole administration of justice. About the presiding judge's decision in a certain case, the comment was made: "Lord Justice Slessor, who can hardly be altogether unbiased about legislation of this type, maintained that really it was a very nice provisional order or as good a one as can be expected in this vale of tears." The Lord Justice found this comment sub-

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versive of the courts and justice, and hence punishable. Imagine how useful such a power could be to our abused Warren court; how dangerous to a journal such as *The New Republic*.

In the United States, though the contempt power exists, it is usually impotent against the press because of a line of Supreme Court decisions which held that the policies behind the First Amendment outweigh the judicial usefulness of a contempt power in press cases. The Baltimore Radio Show case illustrates the predicament of the current American practice in this regard.

In the summer of 1948, an 11-year-old girl was dragged from her bicycle on a street in Northwest Baltimore and was then stabbed to death. A woman had recently been raped in the same neighborhood. The public was alarmed and tense. Then one evening a Baltimore radio announcer opened his broadcast with the words, "Stand by for a sensation." He told of a man's arrest for this crime and went on to say that the man had confessed, that he had a long criminal record, that he had re-enacted the crime on the scene, and had dug up the death weapon. These facts were true. The reported facts became vital evidence at the subsequent trial. Because of the great public interest in this case, the broadcast had a pervasive impact in the community. In fact, the defense counsel waived jury trial because he felt he could not risk it in a community that had been so aroused.

The Baltimore Criminal Court held three broadcasting companies in contempt of court because of their announcements. When the contempt convictions were appealed, *amicus* briefs were filed for several bar associations, the National Association of Newspaper Publishers, the American Society of Newspaper Editors and the ACLU. The court had to choose between the rock of censorship and the whirlpool of injustice at trial. One has difficulty discerning the good guys from the bad guys in such a conflict of civil liberties. The contempt conviction was reversed.

Whose Right and How Public

About 10 years ago, Mickey Jelke, the playboy heir to the oleomargarine fortune, was prosecuted in New York for what Judge Fuld was later to describe as "widely publicized charges of compulsory prostitution, and other offenses of like character." At the start of the trial, the prosecution and defense made the customary opening statements outlining what they expected to prove. After hearing these statements, the trial judge on his own motion excluded the general public and the press from the courtroom for the duration of the prosecution's case. Jelke objected. The judge allowed Jelke to have present any friends or relatives he deemed necessary to protect his interests. However, characterizing the expected testimony as obscene and sordid the trial judge ruled that the better administration of justice and the interest of good morals warranted his exclusionary order. After the People's case was presented, the courtroom was opened to the press and general public. Jelke was convicted and appealed on several grounds, one being that he was deprived of his right to a public trial. It was on this ground that his conviction was reversed. The appellate court, noting that the publicity issue transcended Jelke's guilt or innocence, stated that a trial is not public if only a limited class of people are allowed to attend, particularly if no member of the press is included in the privileged class.

Interestingly, several press associations and newspaper publishers separately appealed the exclusionary order. They argued that the press and the general public also had a right to insist that Jelke's trial be open to the public. This contention was rejected. With respect to the right to public trial, the press' interest can be no greater than that of the general public and of the defendant. The First Amendment does not prohibit a court from excluding the general public (and that includes the press) under certain reasonable circumstances. Moreover, the public's right in this regard can be no greater than the defendant's. To decide differently would be to give the press the power to overrule a defendant and operate to his disadvantage.

It makes sense to interpret a constitutional right in such a way as to assure that the one for whom the right exists does not suffer from its application. However, I can imagine an outrageous outgrowth of this rule. Suppose, for example, that Lee Oswald had not been killed, and was brought to trial for killing President Kennedy. Suppose further that he exercised his constitutional right to demand an un-public trial. Suppose further that, as in the Jelke case, the court ordered the record of trial also kept secret. How would the American public have reacted if it was denied access to the facts pertaining to the assassination of its President? Of course, the record could be made public after the trial was over, but until then anxiety would be feverish.

There are other questions which the Jelke case raised. Why shouldn't a trial judge be allowed to protect his court proceedings from sensationalism or vulgar exploitation? Judges have always been allowed to clear a courtroom where delicacy and gentility, or even sanitary conditions warranted the exclusion of spectators. This may sound prudish, but so long as it is an attempt to encourage a dispassionate, judicious, serious trial what is the problem? Was Jelke the John Lilbourne of his day, or was he capitalizing on an outdated or misapplied generality? How was Jelke hurt by Judge Valenta's order? Wasn't the judge acting both reasonably and fairly? Had the trial been public and had it con-

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tinued in an open and highly publicized atmosphere, could he have appealed on the ground that this notoriety deprived him of due process of law? If so, there was no way to convict Jelke and make it stick. This is no joking matter because with the ingenuity of the bar, the ubiquity of the modern press, and the insatiable curiosity of the public in those trials, the criminal defendant and the people may never be able to get what was traditionally conceived of as a fair trial.

Television, besides magnifying the pervasiveness of publicity, creates a problem at trial, too. Even if cameras were carefully used at trials to avoid physical intrusion, the likely perversions of the trial process would far outweigh any possible values of public enlightenment. And the public interest, often cited as a reason for trial publicity, is itself questionable. Generally, the public's interest in trials, as well as its interest in the journalism of trials, runs to the macabre, the gory, and the prurient. And TV all too often inclines toward levity (Perry Mason) and sensationalism (Congressional hearings) in its law reporting.

Not long ago I was in Cincinnati preparing to prosecute a case. One evening while relaxing in my hotel room and watching the TV news, a strange event took place before my eyes. I heard the announcer describe a bank robbery that had taken place that day in a nearby city. And as he described it, movies of the robbery were shown. The bank had been equipped with hidden movie cameras which were secretly triggered when the robbers began their loot. As soon as the robbery was over the movies were turned over to the law enforcement authorities, and soon thereafter the criminals were caught. At the time the whole episode seemed unreal to me. It was almost embarrassing to witness publicly what is ordinarily so furtive and private an act as the commission of a crime. Recently, others have described similar feelings to me after having viewed the contemporaneous televising and shooting of Lee Oswald by Jack Ruby. There is something eerie about sitting in one's living room and watching one man actually kill another. As a matter of proof, this is a prosecutor's dream. But it may also turn out to provide Ruby's defense which so far is that, among other things, he couldn't possibly get a fair trial.

Self-control by press and bar would go far to alleviate many of these problems. If the press does not control itself it may find the courts doing so by extending the contempt power. Former Justice Frankfurter and others have recently suggested emulating the English contempt rule. If this is done American courts should draw a careful distinction between editorials and criticisms, and the reporting of "judicial" facts like confessions and criminal records, giving the former an absolute First Amendment protection. It is simpler for the bar to control its members than it is for the press. Lawyers are peculiarly susceptible to the disciplinary control of the bar and the courts. This power ought to be used to control lawyers' complicity in pre-trial publicity. In the case of the district attorney, standard regulations could be drawn to control precisely the public information practices in all prosecutor's offices. This, along with rigid control of the private lawyer by the courts and bars, would go far to soothe this sore spot in the trial system.

Sleepers in the Civil Rights Bill

by Alexander M. Bickel

Much credit has been heaped on the House and its leadership for conducting a dignified and generally sensible debate, and then passing in undamaged form the coalition Civil Rights Bill previously approved by the Judiciary Committee. And much credit is justly due. But if the Judiciary Committee bill may be thought to have emerged largely undamaged, it did not come out unscathed. The wounds it bears were quickly administered, and have virtually escaped public notice.

The single most damaging amendment tacked on in the House is not merely a blow to the bill; it will, unless cured, mark a retrogressive step, leaving us worse off in respect to one very important subject – housing – than we would be without any bill at all. Title VI of the House bill forbids discrimination in programs that receive federal financial assistance, and authorizes the President ultimately to cut off such assistance if the recipient, who may be a private person or a state, cannot be got to stop discriminating. Properly administered, this is a very good and effective thing. The joker is that in the estimation of many lawyers, the President has independent authority, unaided by statute, to do most if not all of what this provision authorizes him to do. Nothing but speculation can be

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adduced against this broad view of Presidential power; there is no case-law to the contrary. One thing is, however, quite clear by way of limitation on the President's powers of independent action – it has been clear at least since President Truman stubbed his toe in the great *Steel Seizure Case* of 1952 – and that is that the President is free to evolve and act on policies of his own only so long as Congress has not, expressly or by implication, declared a contrary policy. And it is sometimes inferred by the courts that Congress has declared one policy simply by considering and refusing to adopt its opposite. It was therefore very dangerous business, as was pointed out in these pages last summer, when the Kennedy Administration first introduced what has now become Title VI, to put this matter before Congress at all. For in giving the President some of what he very probably does not need from it, Congress might take away some of what he already had. This is what the House has now done, and done explicitly.

The original Judiciary Committee and Administration drafts referred to programs receiving federal financial assistance "by way of grant, contract or loan." That took care of most everything. However, the amended version passed by the House refers to federal assistance "by way of grant, loan or contract *other than a contract of insurance or guaranty*." That guts President Kennedy's Executive Order 11063 of November 20, 1962, on Equal Opportunity in Housing. Mr. Kennedy's order, redeeming his famous "stroke of the pen" campaign pledge, proceeded on the theory of independent Presidential power, unaided by statute, and it has proved to be none the worse for that. Nor was it a radical document. It moved cautiously, appears to have been even more cautiously administered and is, of course, not easy to enforce. But it did reach discrimination in the sale of housing that involves loans "insured, guaranteed or otherwise secured by the credit of the federal government," which is to say FHA and VA mortgages; and it did reach the practices of lending institutions with respect to housing developments, insofar as the loans are "insured or guaranteed by the federal government." The little eight-word amendment in the House cuts all this out, leaves the Executive Order effective only as it relates to housing built with direct federal grants or loans, and makes certain that any future wider application of the policy of equal housing opportunity will have to be achieved by Act of Congress rather than by independent Presidential action. This is no little thing.

Now we come to Title IV, dealing with public schools. Again, what is involved here is something the President could have done on his own. But no President has done it, and its importance is therefore not to be underestimated. Title IV requires the federal Office of Education to act up to its name and assist in dealing with the racial problem in the schools. In addition to making a national survey and reporting on the status of the problem, which no one else has been able to do comprehensively, the Office is to offer technical assistance, information and specially-trained advisory personnel. It is also to run training institutes for teachers and administrative personnel. At long last, the Office of Education will be required to offer as much to school boards as the FBI offers to local police forces.

Desegregation Where?

The proposed new functions of the Office of Education are qualified by the word "desegregation." In other words, all that the Office is authorized to do, it is authorized to do in order to assist in the achievement of "desegregation."

As it stood before being amended, the bill defined desegregation to mean "the assignment of students to public schools and within such schools without regard to their race, color, religion or national origin." That covered the problem in the South, and it did not exclude *de facto* segregation – which is the problem in Northern cities and the problem that will arise in the South itself once enforced segregation by law is eliminated. No doubt *de facto* school segregation, resulting from housing segregation combined with a rigid neighborhood school policy, is a different matter than segregation by law. But such *de facto* segregation may still very well be said not to be a system for the assignment of children to public schools without regard to their race. It is the problem of the present in the North and of the very near future everywhere. It is the more difficult problem, soluble only in the quite long run, and the assistance of the federal Office of Education – any and all assistance – in dealing with it is much to be desired.

But, here is where the sleeper comes in. The House in very few words, so amended the bill as to make sure that the Office of Education will concern itself only with the immediate Southern problem, and in the North, if at all, only with the marginal problem of *de facto* segregation resulting from intentional action by school authorities, as by gerrymandering of districts. Desegregation, the amendment says, "shall not mean the assignment of students to public schools in order to overcome racial imbalance." Thus again a measure of pre-existing Presidential authority was curtailed. And the bill is laid open to the charge – which is deadly because it carries a grain of general truth – that Northerners are interested in dealing with the racial difficulties of others but not with their own.

Of course the House passed a good bill. Even the word historic, much bandied about, is not misplaced as applied here. But the objections just made are not carping ones, and they do not represent a counsel of per-

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fection. These two amendments deal with areas of major concern, and they inflict major damage. One or two other amendments are troublesome, but of a different order of importance. Title VII, on Equal Employment Opportunity (the FEPC Title), was extended to cover sex as well as race, religion and national origin. This is the apples-and-bananas fallacy. It is burdening with the regulation of bananas an agency already sufficiently overwhelmed with the problem of apples. That isn't the way to ensure adequate regulation of bananas; it is a way only to ensure less effective regulation of apples. Title VII was also decorated with a provision safeguarding an employer's right to refuse to hire an atheist. Department of Justice lawyers are said to believe that this section is harmless because it is unconstitutional. Unconstitutional it very likely is, and there are some doubts also about parts at least of another amendment, which excludes assorted Communists from the benefits of the Title. But neither amendment is entirely harmless; both offer opportunity for cynical efforts at evasion.

The Task of Conciliation

For the rest, and passing other minor points without cavil, the House made one further significant change in the bill as it received it from its Judiciary Committee. This was a job of restoration rather than amendment. The original Kennedy Administration bill of last June called for the establishment of a Community Relations Service. That Service was to play a central role in effectuating the public accommodations provisions of the bill, but its jurisdiction ran beyond that to any and all "disputes, disagreements or difficulties relating to discriminatory practices" which impair constitutional rights or affect interstate commerce. The idea was to put on an institutional, professional and permanent footing the kind of prodding, conciliation and mediation that had been done in the Kennedy Administration in *ad hoc* fashion under the direction of the Attorney General, and sometimes under the immediate supervision of the President himself. This sort of activity, often carried on by the Assistant Attorney General for Civil Rights, Mr. Burke Marshall, had borne some fruit.

The Kennedy Administration was aware that such work is hampered if the law does not declare in mandatory fashion some standard of behavior to which the conciliators can urge contending parties to measure up. To put the matter more crudely, conciliation is hampered if an adamant refusal to be moved by conciliation costs nothing; the carrot works best if its wielder also holds a stick. But it was realized also that Negro communities themselves held and were wielding something of a stick – boycotts, picketing, sit-ins, demonstrations. And in any event, it was wholly unreal to expect that discrimination in public accommodations could be eliminated, or even that a substantial dent could promptly be made in it, exclusively by means of a process of enforcement through litigation. There simply aren't, and there should not be, enough FBI agents, enough government lawyers and enough federal courts for that. If the federal policy was to be effective, there would have to be action on a large scale which was voluntary in this or that degree, if not altogether willing; which was, at any rate, induced by means other than the coercion of a court order. That was where the Community Relations Service came in.

All this is still the case. It never ceased to be. But for some reason or other, the Community Relations Service was dropped from the bill that went to the floor of the House. Perhaps, one surmised, this was a concession to Southerners who may have shrewdly recognized that they could live with litigation – on one thing and another, they have been living with litigation for many a decade – but who were alarmed by the prospect of facing in their own communities the persuasive pressure of a Burke Marshall, who, in turn, would suddenly have acquired the capacity to be in a hundred places at once. And perhaps, again, the Community Relations Service was offensive to Congressmen who wanted the "toughest" possible bill, no matter how illusory the "toughness." Hard-nosed realism is a popular pose, and one of the most romantic. It was an occasional Holmesian pose. A lot of people like to believe that the only effective law is the kind that has the immediacy of force behind it. Law, Holmes once said, is what is at the end of the policeman's stick, and the idea might have been to make it impossible for the Administration to fool around with conciliation, and to leave it no choice but constant use of the stick.

Well, a Community Relations Service, albeit in emasculated form, is now back as Title X of the bill by action of the House. The interesting fact is that the author of the amendment which put Title X back in was Robert T. Ashmore, a Democratic Representative from South Carolina. This suggests, encouragingly enough, that a full-fledged Community Relations Service may be a means for pacifying the Southern filibusters in the Senate, without conceding them anything that must properly remain unnegotiable.

Two kinds of provisions have to remain completely unnegotiable, even if the Senate has to sit from March 1 till December 31, 1964, doing nothing but listening to Southerners read the telephone directory. (And if that should happen, we ought to be able to change the rule on filibusters first thing in the new Congress in 1965!) First, the provisions on education and on programs assisted by federal funds discussed above must be repaired and enacted intact, for to damage or drop these provisions is not simply to fail to make an advance,

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not simply to fail to achieve something new, but to give up existing Presidential powers. Secondly, there can be no abandonment of the explicit declarations of Titles II and VII that there shall be no discrimination in places of public accommodation constitutionally subject to federal authority, and no discrimination in employment within the jurisdiction of the United States. That these two policies, adopted by two Presidents and by an overwhelming majority of the House, should be abandoned because the Senate is unable to break a filibuster would be an intolerable admission of bankruptcy on the part of our federal government.

Methods of enforcement are a different matter. Law has two functions. It establishes many of the objectives that the society aims to attain. And it operates to attain them. Very few things can be attained overnight, and not everything is best attained through litigation or by exerting the utmost force. For example, nobody has suggested that it ought to be made a crime to discriminate in a public accommodation. It is, therefore, of the utmost importance that the Civil Rights Act of 1964 should, without compromise, set us the proper objectives. It is not of equal importance that the Attorney General should be given authority to attain them immediately by litigation; he isn't going to be able to do that anyway. And so it is entirely acceptable that authority to enforce the public accommodations section be delayed in part (as full authority is indeed delayed for three years in the FEPC section), or should be otherwise limited, as by the exclusion for the time being of places doing less than a certain dollar amount of annual business. A portion of the job of effectuating the policies of the statute can be entrusted to the Community Relations Service. It would also be not only acceptable but wise to provide that the Attorney General's enforcement powers may come into play only after the Service has certified that efforts at conciliation have failed in a given case.

And so the ultimate resolution to be hoped for in the Senate is an enlargement of the role of the Community Relations Service. To this end, Title X will need some amendments. It is nonsense to place the Service in the Department of Commerce, which Title X now does, as if it were some sort of statistical bureau. It ought to be an agency responsible directly to the White House and working in close coordination with the Department of Justice. It is also nonsense to cripple the Service by authorizing it to appoint, as Title X also now does, no more than six employees in addition to the director, and requiring it for the rest to work through consultants. Finally, the Service ought to be required not only to report to Congress on its activities every year, but also to make recommendations for changes and improvements in the law. Nobody in the federal government will be in a better position to do so.

CAPITOL HILL

How the Rights Vote Was Engineered

The overwhelming margin of 290 votes to 130 by which the House approved the civil rights bill testified to the superior resources and talent the civil rights forces threw into the struggle, according to *Congressional Quarterly*. The major groups behind the bill were the Leadership Conference on Civil Rights, consisting of major Negro rights organizations; the top industrial unions of the AFL-CIO, led by the United Auto Workers; Protestant, Catholic and Jewish church groups; the liberally-oriented House Democratic Study Group; the White House; the Justice Department; and a little known but apparently effective group known as the Republican Legislative Research Association.

Lined up against these was the Coordinating Committee for Fundamental American Freedoms, a group led by former American Bar Association president John C. Satterfield and financed principally from Mississippi, plus the Southern Democratic caucus which first organized in 1948 to fight civil rights legislation on the House floor.

Influenced heavily by powerful national businessmen who had a greater interest in the tax bill and other legislation, such groups as the National Association of Manufacturers and the Chamber of Commerce busied themselves elsewhere and played no significant role in the civil rights struggle.

Convinced that with proper planning they could produce the votes to beat back crippling Southern amendments during the prolonged House debate, the groups supporting the bill decided on a multi-pronged strategy described in detail by *Congressional Quarterly*.

First, they decided to keep careful tabs on every member who might reasonably be expected to back the bill. As the public galleries opened before each day's House session, in poured numerous representatives of the civil rights organizations and unions. Each had a specific responsibility: watch a certain number (four or five) of Congressmen, record their attendance and record their votes on all proposed amendments.

When a spotter in the gallery saw that one of the bill's likely backers was off the floor too long, a telephone call would be placed to a central headquarters in the nearby Congressional Hotel, where a master chart of office locations in both the House office buildings was maintained. The civil rights group had sought out

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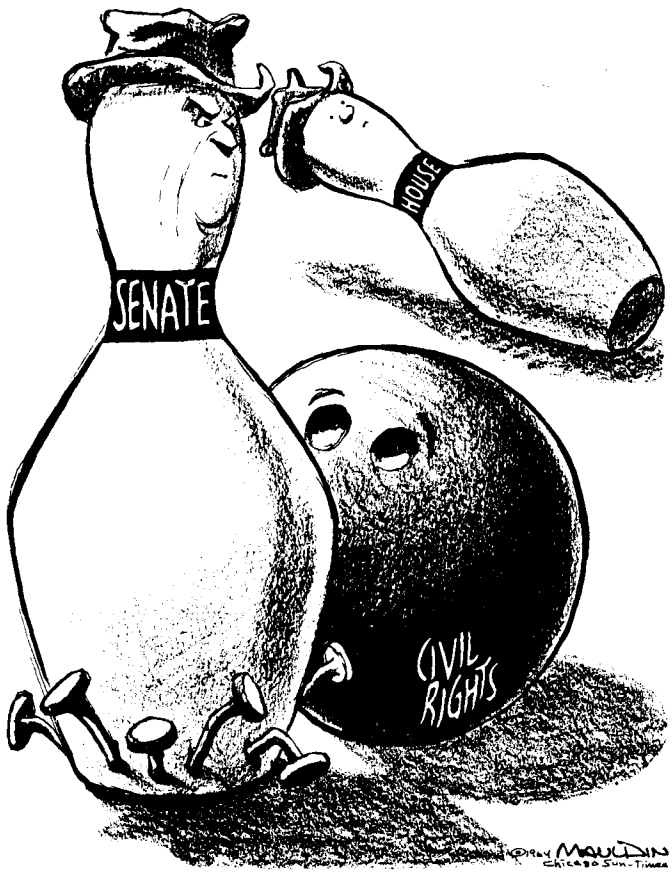
a friendly Congressman on each floor and arranged to have two representatives stationed at a telephone in his office. Whenever a useful member's absence on the floor was reported, a call would go to the civil rights workers on his floor. Immediately, a visit would be paid to the truant's office to urge his presence in the chamber.

Union agents did not visit the offices of Republicans or Democrats they had opposed in past elections. That job was left to representatives of the church groups.

Buddy System

Supplementing and eventually replacing the system of agents on all floors was the successful "buddy system" which the Democratic Study Group (DSG) had first worked out in 1963 voting on the foreign aid bill. Under the direction of Rep. Frank Thompson Jr. (D, N.J.), each of the 20 DSG members was responsible for keeping track of five or six other members, both on attendance and how they voted. The system worked well, reducing substantially the need for regular whip calls. In addition, the DSG stationed men at the head of the teller line on the House floor to see if they voted.

Throughout the debate, the Justice Department had four or five key men, usually including Deputy Attorney General Nicholas deB Katzenbach and Burke Marshall, head of the Justice Department's Civil Rights Division, present in the galleries. Whenever a crisis arose over an amendment, a signal would be made from one of the two DSG leaders on the House floor – Thompson or Richard Bolling (D, Mo.) – and the Justice Department men, civil rights groups, and labor leaders in the galleries would come down for a strategy conference off the floor. Sometimes these strategy conferences were held in the Speaker's offices. The group worked closely with Judiciary Chairman Emanuel Celler (D, N.Y.), the bill's floor manager, and his lieutenant, Rep. James C. Corman (D, Calif.).



At the start of each day of the debate, basic strategy and planning meetings were held, first of the entire Leadership Conference on Civil Rights and then, in Thompson's office, of the key civil rights and union operatives together with Justice and White House representatives. Joseph Rauh of Americans for Democratic Action also was regularly present at those meetings.

Rep. William McCulloch (R, Ohio), ranking minority member on the Judiciary Committee, led the Republican rights forces, aided by Rep. John V. Lindsay (R, N.Y.), Charles McC Mathias (R, Md.), Clark MacGregor (R, Minn.) and others. McCulloch's chief staff support was furnished by William H. Copenhaver, minority counsel for the Judiciary Committee, and Robert Kimball, legislative and research director of a group known as the Republican Legislative Research Association. This association, officially headed by Charles P. Taft of Cincinnati, Ohio, helped in writing the bill and formulating GOP legislative tactics in its behalf. Copenhaver and Kimball were the two Republican staff men who sat down last October with Katzenbach and Marshall of the Justice Department to negotiate the specific points of the bipartisan bill.

McCulloch kept his close friend, Minority Leader Charles A. Halleck (R, Ind), closely informed of all operations – and in return received Halleck's general support, though Halleck was present on the House floor for little of the debate.

McCulloch also conferred fairly frequently with the Justice Department on strategy for the bill, but the relationship between the Republicans and the civil rights and labor groups was arm's length. Ironically, while McCulloch was successfully persuading the overwhelming majority of House Republicans to support the most far-ranging civil rights bill since Reconstruction, the new Southern wing of the GOP was providing some of the most effective opposition to the bill.

At the same time, the Southern Democrats put on an unusually low-key performance. Their chief legislative strategist was Rep. Edwin E. Willis (D, La.), ranking Southerner on the Judiciary Committee and a man of moderate tone. Both he and Rules Committee Chairman Howard W. Smith (D, Va.), another chief Dixie spokesman, proposed numerous amendments to weaken the

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bill. But neither launched the type of all-out attack typical of Southern efforts in earlier years. A whip system sponsored by the Southern caucus and headed by Rep. Thomas G. Abernethy (D, Miss.) was in apparent disarray, functioning infrequently during the debate.

Adding up the likely total costs of all the lobby groups and unofficial House groups working to pass or defeat the civil rights bill in the House, an over-all figure of $400,000 – at least two-thirds of it spent by the proponents – would appear reasonable.

What Next?

Attention now turns to the Senate and Republican House sources are already making it clear that if the Senate deletes controversial titles from the House-passed bill, the result will be no bill at all. The key to the situation lies with Representative McCulloch, who has repeatedly assured House Republicans that he would not ask them to "walk the plank" by voting for highly controversial public accommodations, fair employment and federal funds titles of the bill – and then see these provisions "traded away" in the Senate.

According to the *Congressional Quarterly* analysis, these House Republicans, if pushed enough, might refuse to back the House-Senate conference report – a course which would entail a minimum of political risk, since they could place the blame on the Democrats for failure to go all-out for a strong bill.

A glance into history explains why McCulloch feels so strongly about possible Senate watering down of the bill. In 1957, the House had passed a civil rights bill including so-called "Title III" authority for the Attorney General to initiate court suits to secure rights denied to persons because of their race, color, religion or national origin. That controversial section, backed by McCulloch in the House, was eliminated in the Senate – under the leadership of Majority Leader Johnson – as part of the price for the ending of the Southern filibuster. "My head is still bloodied by that battle in 1957," McCulloch told the Rules Committee last month.

In response to suggestions that the public accommodations or fair employment titles of the 1964 bill might be eliminated in the Senate, so that the House would be compelled to accept a truncated bill in conference, McCulloch said: "I want to make it unmistakably clear that I am no party and would never be a party to that kind of proposal. . . . I have too many good personal friends . . . in the House of Representatives to ask a single one of them to walk a plank, that might be damaging or dangerous for them, only to see deals made. . . . I shall not be a party to that, I assure you." Nor, apparently, will Republican Senators Hugh Scott and Clifford Case. The former has since said he is "very suspicious" that a deal has been made "to weaken the civil rights bill," and Senator Case has announced he would rather have "no bill at all than a weak one."

The fears of Rep. McCulloch and other Republicans that the Johnson Administration might back down were aroused afresh in House debate on February 7, when Rep. Oren Harris (D, Ark.), Chairman of the House Interstate and Foreign Commerce Committee, rose to offer an amendment to cut back Title VI, the section requiring an end to discrimination in all federally-financed programs. Harris proposed going back to an earlier, discretionary title that was suggested but then discarded as too weak by the Kennedy Administration.

Unexpectedly, House Democratic Whip Hale Boggs (D, La.) rose to support the Harris amendment, saying it would be "a far cry from the granting of sweeping authority (to cut off federal funds) contained in the existing Title VI."

Boggs' intervention, the first time he had taken part in debate on the bill, immediately aroused Republican suspicions. Most of the Republican managers of the bill were off the floor in a strategy session. None had been informed that Harris would offer his amendment or that Boggs, a member of the Democratic House Leadership, would support it.

By chance, Lindsay happened to be on the floor. Noting that no Democrats rose to oppose the substance of the Harris amendment, he suggested that the amendment was "the biggest mousetrap that has been offered since the debate on this bill began. . . . I am appalled that this is being supported in the well of the House by the Majority Whip. . . . Does this mean there is a 'cave-in' on this important title?"

In the meantime McCulloch had been alerted and rushed to the floor to ask Celler, in an impromptu conference on the floor, why the amendment was being offered and how the Democratic Leadership stood on it. Celler's answer was unclear.

McCulloch, white with indignation, then grabbed a microphone to announce that if the amendment passed, "I regret to say that my individual support of the legislation will come to an end."

Celler immediately rose to announce that he was "unalterably opposed to the amendment." It was rejected 80-126 on a teller vote.

Afterwards, Boggs firmly denied that he had been speaking for anyone but himself in backing the Harris amendment.

Suspicious Republicans, however, point to the extremely close personal ties between Boggs and President Johnson. They suggested after the vote that Boggs would not have taken the stand he did without at least informing the White House – and that if he did, the Administration apparently took no action to alert the civil rights forces to a major weakening amendment.

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A Hero with Leverage

by Stanley Kauffmann

"The fabulous invalid," a term once applied to the theater, now seems more apt for the American novel, generally despaired of and underrated, especially by those whose criterion of health is "greatness." One of the novel's recent refusals to die has taken the form loosely called satire – works by Southern, Heller, Donleavy, Blechman, Friedman, and Richler (technically Canadian but surely an American *writer*). What these works share is a sense of comedy, not as remedy but as iron lung, the one area (they imply) where today's writer can breathe. Whether or not his work has any meliorative effect seems secondary.

A Fine Madness
by Elliott Baker
(Putnam; $4.95)

All these men have written novels of some merit – most of them deserve better than faint praise – but all of them suffer from one another's existence. To read the latest one usually means to compare how well B skins advertising, let us say, with the way A skinned it. By now there hardly seems room for another such novel.

Until, of course, one comes along that sweeps away objections, as does Elliott Baker's novel. Baker has had the audacity once more to assay the bitter-sweet satirical fruit; and many of his targets are familiar: psychoanalysis, salesmanship, conformity, philistine respectability, phony emancipation. But three elements distinguish his novel: its construction, its youthfully passionate fury combined with mature insight, and the fact that it has a hero. Not merely a central character, a passive resister, an observer, a victim, or even an anti-hero. A hero who struggles credibly against odds that we recognize and who wins a credible victory. What is even more audacious of Baker is that he made him a poet.

Samson Shillitoe cares about nothing but poetry. That is his strength and his limitation; but his limitation only re-enforces his strength by concentrating it. (Even his admiration for his stoic father, gnarled and quietly dying, is diminished when he learns that the old man didn't understand his book.) Samson lives and has a job in New York, is married to his second wife, a loyal and complaining waitress with a bad leg. He drinks, wenches when possible, is irresponsible, slovenly, rude. He left Indiana as a youth, moving from job to job, searching. ("He picked up his pay in Denver and wandered off again, feeling between the hips of the continent.") He discovered poetry and himself; and developed in the army during the war, under the guidance of an intellectual friend who was eventually killed. But the friend had left Samson a poet.

> "That had been the armistice for Shillitoe. While all the others dodged and crawled toward victory he stood upright, marking the design of the puffs and pockmarks and the crazy-legged upside-down cows and sullen roofed villages. He was a poet and was impenetrable. The fools had mistaken this for bravery and given him a battlefield commission."

After the war he published his one book, married, begot.

> "He'd practically forgotten her existence until she floated in with that hatchery halo and cooed her announcement.
>
> 'I'm going to name him after President Roosevelt,' she added.
>
> 'Beverly, Beverly,' he reasoned, 'we've got to stop passing the buck to babies'."

Now divorced from Beverly, he spends much time evading her lawyer and the demands for maintenance payments.

The book's action takes Samson through the crisis of his struggle for life: fighting with his fingernails every inch of the way, thieving, wriggling, cheating to make elbow-room for himself in the world to do what he cares about – write poetry. He is always conscious of this, without embarrassment, never pretentious about it. (Well, hardly ever. One or two of his explications might have been better omitted.) At the end he has triumphed. He is on his way back to the Indiana home left to him by his father, accompanied by his dumb but somehow comforting wife (now pregnant), having paid for his freedom with a piece of his brain. Literally: he was railroaded into a lobotomy. Figuratively: you may wrench free of the world but not without a mark. Now he is safe, protected by his father's best legacy: a motel register containing evidence of the local sheriff's escapades, with which Samson can keep that sheriff from reporting his whereabouts to his first wife's lawyer. This blackmail, a use of society's conventions to free him from society, is again more than literal.

Frenetically serious, the book is also funny with ultra high frequency. Samson, drunk, addressing a ladies' literary society: "Looking at your faces, I know you are all sincerely interested in poetry. Or else my fly is open." Samson's quondam employer, Moscowitz – whose one standard is whether an event is good or bad for Jews – on the subject of Jewish gangsters:

> "So much damage one bad apple can do. Remember Murder, Incorporated, with all the Bugsies and No-

COMING

The Art of Elizabeth Bowen

by Honor Tracy

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Noses? *Mentsch!* Everything Gershwin accomplished, they spoiled."

When Samson is welcomed home to Indiana with a gruesome joke, he thinks: "Good old Hoosier humor, macabre to the sentimental slobs who couldn't understand leverage." Those without leverage, Hoosier or not, will be as offended by much of this book as some are by Kubrick's film, *Dr. Strangelove.*

The other characters are recognizable without being deeply developed. Although the book is written from more than one view, these others are not more real to us than they are to Samson. They perform a grimly comic ballet in the book as they do in his life.

Starting a new chapter with a new character is sometimes puzzling until one sees how purposefully it weaves into Samson's story, how the balances and tensions are maintained, how every seed produces. It is the best-constructed novel I have read since Malamud's *The Assistant,* one in which the form itself is gratifying.

Occasionally there are gas bubbles in the prose, as on the opening and closing pages; but it is a work of such utter conviction and gravity that it has to laugh at anything less grave than its central belief; a novel of greater dimensions than most of the recent crop of "satires" because – without Technicolor – it states as well as stabs. Shillitoe's life-view: "Length and stress, that's all it takes. Only two issues. How long can you survive? Where will you throw your weight? That's all."

It is a cozy critical commonplace that life is more important than art, possibly because that is true for critics. It is possibly also true for many artists. For the best ones, it is not true. It is not true for Samson who, though the Bomb may drop or God may die, cannot have lived to no purpose. The book's hard, gravelly hope lies in his contempt – the contempt of this dirty, scrabbling, selfish man for all the niceties that would make him sweetly social, that would sap his strength, his ruthlessness with everyone including himself. His curse and his consolation are that, like most heroes, he was born at the wrong time.

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Alfred Sloan's Success Story

by Carl Kaysen

For Karl Marx, social classes were the heroes of history: the bourgeoisie, of the rise of capitalism; the proletariat, of its – still awaited – fall. For Joseph Schumpeter, Marxist defender of capitalism, the creative businessmen, who alone deserve to be called entrepreneurs, are the heroes of our time. Alfred Sloan, as shaper of the world's largest and one of its most successful industrial enterprises, has a high place in this company.

My Years with General Motors
by Alfred P. Sloan, Jr.
(Doubleday; $7.95)

He came to General Motors in 1916, at 41. He was then head of Hyatt Roller Bearing Company, a maker of bearings for automobiles. In 1916, General Motors acquired Hyatt as part of the campaign of expansion and integration which W. C. Durant had carried on from the time he had organized GM eight years earlier. Sloan joined GM as chief executive of United Motors, a subsidiary created to operate Hyatt and the other parts producers GM acquired. Sloan had gone to Hyatt immediately on his graduation from MIT at 20 with a BS in electrical engineering, and had remained there, except for a brief interlude, until he joined GM. At Hyatt, he had combined his own efforts as engineer and salesman with a $5,000 investment by his father – a wholesale grocer operating in New York – to bring the enterprise from the verge of liquidation in 1898 to a purchase price by GM of $13.5 million 18 years later. In 1918, when United Motors was absorbed into GM, Sloan became a GM vice president and director and a member of its Executive Committee, while continuing as head of accessories and parts operations. The sharp recession of 1920 nearly destroyed General Motors; only a

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large infusion of additional capital, provided by the duPonts and J. P. Morgan, saved it. Durant went heavily into debt on market operations in GM stock during this period, and the fear that Durant might be forced to sell his holdings under pressure, with the consequent damage to GM's credit, led to a further lending operation by duPont and Morgan to buy out most of Durant's stock, and to his resignation. Durant's departure from the management brought to a close the first period of GM's history. Pierre S. duPont, already retired from the presidency of duPont, succeeded him as president, but only briefly. In 1923 Sloan became president and chief executive officer; and in 1937, while still retaining the position of chief executive officer, he moved up to chairman of the board. In 1946 he relinquished the title of chief executive officer, finally retiring as chairman of the board in 1956, at the age of 81.

As Sloan sees it, he and his associates (especially Donaldson Brown, J. L. Pratt, and Albert Bradley) did two things which were responsible for much of GM's success. One was creation of an organizational mechanism which made possible the combination of efficient operation with adaptability to growth and change. The other was the recognition, at the right moment, after the First World War, of the change in the character of the automobile market, and the consequent need for change in the cars GM made and the way it marketed them.

GM's organizational formula was "decentralization with coordinated control." Three elements went into this formula. First was a system of long-run financial controls that was applied to every activity of the corporation, whether a line of cars or of household appliances, to evaluate its success in terms of return on invested capital at the average volume of business and level of costs and prices which could be reasonably expected for that activity. Second was a system of short-run market forecasts, continually revised in the light of actual sales, which served as the basis for a very close scheduling of production, purchases, and inventories. This was of vital importance in the auto business, with its sharp seasonal and annual fluctuations in sales. Third was an executive bonus system, featuring large bonuses for the most important executives, payable chiefly in stock, with each year's bonus paid out over a period of years, and determined by an assessment of each officer's contribution to the success of the company in that year. This evaluation was made for each man by his immediate superior; for the president and chairman of the board it was made by the salary and bonus committee of the board of directors, on which only directors who were not officers served. The bonus system gave the executive team a deep personal concern with the welfare of the corporation as a whole, as well as with the success of the activities for which they were individually responsible. In Sloan's view, it was the motive power behind the system of decentralized management, and worth its weight in gold to the stockholders.

GM's vision of the market in the early twenties, which Henry Ford failed to see, was that the consumer no longer wanted a single kind of car which would provide reliable transportation at the lowest possible cost. The need was rather for variety, a range which supplied a car for every taste and every purse, with style, not engineering as the dominant consideration in the mind of the buyer. Mr. Kettering's unsuccessful experiments with the "copper-cooled" (air-cooled) Chevrolet kept GM from acting on this perception for some years. But by 1926-27, the corporation was offering a line of cars which covered fairly continuously the price and range from Chevrolet to Cadillac.

In its own terms, the success of GM as a business venture is beyond question. When Sloan became its president, it supplied some 20 percent of the car output, its annual sales were on the order of more than $600 million, with net profits of $60 million. At his retirement, GM supplied more than half of a vastly greater market, its annual sales were over $10 billion, and profits after taxes nearly a billion dollars. Both are still growing.

Sloan's explanation of GM's success is not, however, beyond question. To me, the book speaks more convincingly of the man than of an organizational scheme. Sloan was singlemindedly interested in GM as a money-maker. This is the rule of the game, but few executives follow it as consistently, as persistently, as forcefully, and as rationally as Sloan did. It was his great achievement that he believed that the business of General Motors was business; he enforced this belief on his contemporaries and he created an organization which continues to express it. Neither the executives of GM who were in charge when he came on the scene, nor those of the rival producers at the time appeared to focus so single-mindedly on business to the exclusion of technical

Lamplight

Sent straight from suns
on slender stems
whose fanged tendrils
leech the walls,
it sadly falls
on table tops
and barren floors
where rugs lie flat
as sunburnt crops.

Yet by this glow,
while daylight leans
outside the door
like an idle ax,
green voices wax,
red tongues thrust seeds
deep in the soil
of our harrowed needs,
and conversations grow.

JOHN UPDIKE

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and engineering concerns. Also, despite all his discussions of the proper balance between central staffs with advisory roles and responsible managers of independent operating divisions, the chief impression Sloan's account creates is that he and the men immediately around him made every important decision. There were many committees bringing together staff and operating executives; those that Sloan did not chair, Brown or Bradley did. Whatever the question – whether the division or a central styling department should design the cars, on what basis GM should go into business in Germany, what activities should be located at the new GM technical center built after the Second Word War, Sloan's appeared to be the deciding voice.

GM's view of how the car market would develop proved correct, but it was more relevant to the late thirties and the post-war period than to the twenties. Most of the gain in sales that GM achieved between 1922 and 1929 was accounted for by the Chevrolet. It was not wide variety that the public sought then, but simply a somewhat better car than the Model T and for which it was willing to pay a somewhat higher price. Ford's stubbornness was as relevant as Sloan's vision to GM's great growth in the twenties.

Overemphasis on reason and a corresponding underplaying of chance and conflict mark the book. Together with its impersonal tone, they give it the character of an official history. Nor is his chronicle relieved by any insight into Sloan's personal life or private thoughts or even any suggestion that he had any. For example, in his discussion of labor relations, Sloan barely mentions the sit-down strikes of 1937: the "invasions of management rights" through union attempts to intervene in pricing policy and work schedules were successfully combatted; and "we have achieved workable relations with all of the unions representing our employees." Similarly, relations with the dealers are discussed only from the GM viewpoint; the reader does not learn that there was at least enough of another view to fill a volume of Hearings before a Congressional committee. I am curious to know whether Mr. Durant, as well as Mr. Sloan, thought the 1920 arrangement fair; and equally curious to learn whether there was ever an important officer who received a sharply reduced bonus, or was denied one altogether, because he failed in some particular year to make an appropriate contribution to the corporation. If so, I would like to hear what he said to the president and chairman when they told him the news. How much this tone is the product of the author's devotion to a cool and reasonable approach, how much the result of the efforts of the public relations and legal departments of the corporation is also a question for speculation.

Devotion to the rational calculation of business advantage, and the system of controls, measurements, and forecasts which are necessary to make it effective have now been widely copied in many large enterprises and become the stock in trade of the business-schools. Having passed on to the many imitators, it is no longer the mark of the entrepreneur, and Sloan's successors will need to find new paths to business heroism. They might well be more interesting. Perhaps they might be sought in a deeper examination of the concept of what the market wants, or a more candid survey of where lie those boundaries of management's prerogatives which labor may not cross.

QUESTION:

What do the following people have in common?

Robert Penn Warren **Wayne Morse**

Paul Goodman **Hans J. Morgenthau**

Arthur Krock **John A. Gronouski**

Dwight Macdonald **Oscar Handlin**

ANSWER:

***They are all among the contributors to the current edition of* Yale Political**

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Vietnam: Axes to Grind

by Bernard B. Fall

In recent years, British research on the Indochinese peninsula has followed the pattern of the little girl in the children's rhyme who, "when she was good, was very good; but when she was bad, she was horrid." Thus, P. J. Honey's slim volume contains some very penetrating insights that are worth having at a time when Vietnam looms large on the horizon, but which must be gleaned from among a welter of second- or third-hand Kremlinology and stream-of-consciousness stuff that is out of place in a book whose primary market is the specialist or graduate student.

Communism in North Vietnam
by P. J. Honey
(MIT; $4.95)

The news release from MIT Press which accompanied the book is in itself worthy of comment, for it represents the author under an endorsement from no one else but Joseph Alsop, taken from one of his recent columns, as "literally the only serious authority on Vietnam with no ax to grind." That may be dismissed, using one of Alsop's favorite words, as twaddle. Honey had been for long years an ardent defender of Ngo Dinh Diem and had, in September 1963 – when everyone else had pretty much recognized Diem as either hopeless or unsalvageable – tried to talk Secretary of Defense McNamara into further propping him up. We have another column of Alsop's as proof of that allegation. Thus, Honey has as much of an ax to grind as everyone else concerned with the area; but in his case, this entails viewing everything North Vietnamese with the same apocalyptic eye as Alsop views Red China after his periodical glimpses at it through the eyes of CIA operatives in Hong Kong: it is bound to collapse, if not this year, then most probably next.

This *attitude engagée* becomes clearly apparent from the very first pages of the book. Honey is probably the only scholar today who still clings to the worn State Department cliché that the Viet-Cong attacked South Vietnam because the latter was making "rapid progress." The brutal fact is (and it is now being admitted in piecemeal fashion) that the South Vietnamese economy never got off the ground since 1954, even by its own statistics which are as phony as those of an average Communist country. And having said that it was "[Red] Chinese aid to the Vietnamese Communist resistance which more than any other single factor ended French rule in Vietnam," he points out a few pages later that the "success of the [Communist] resistance depended in very large measure upon the help it received from Vietnamese civilians living within French-held zones." And later, Honey credits General Giap with top honors for his "brilliant direction of the war and his dramatic victory at Dien Bien Phu." The fact is that the French Indochinese War had become hopeless long before the Chinese Reds became a major factor in it – just as today's South Vietnamese war seems militarily unwinnable without large-scale outside Communist intervention. Thus, the chapters dealing with the factors bearing on the North Vietnamese situation and with its leadership can be pretty much dismissed as a rehash of fairly inaccurate information largely available elsewhere.

Honey is at his best – and since he is a Vietnamese linguist and not a political scientist, his specialization serves him well – in tracing Hanoi's "difficult middle path" between Peking and Moscow from untranslated North Vietnamese sources. But here also, slipshod research and Kremlinology get in his way. His statistics on Soviet bloc aid to North Vietnam are inaccurate and outdated (better unclassified British and East German sources are available), and he hangs a whole key chapter on internal party conflicts on the say-so of a French turncoat who first served Bao-Dai and the French grovelingly from 1951 to 1954 in his magazine *Orient-Occident*, and then remained in Hanoi when Ho's troops marched in to greet the Communists with a French flag flying from his house. He returned to

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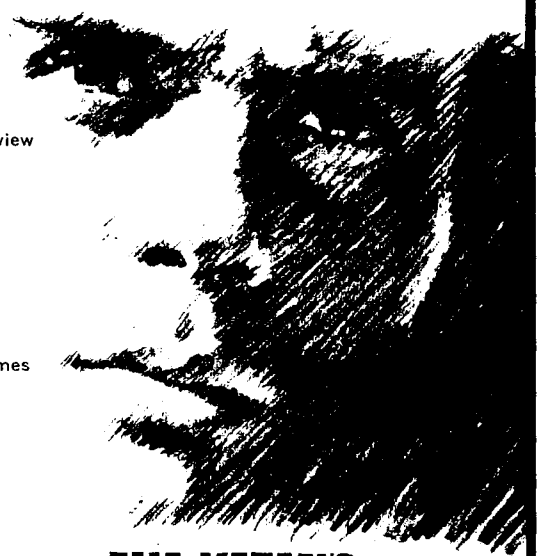

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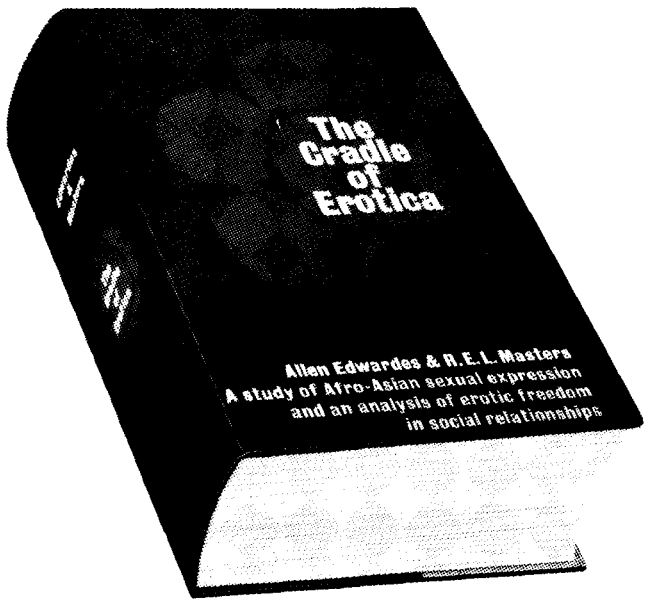
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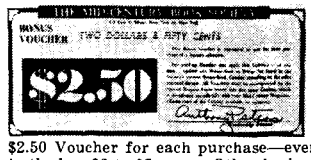

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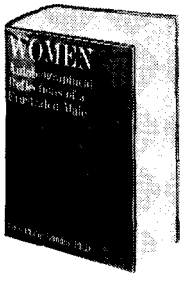

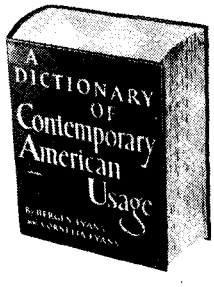

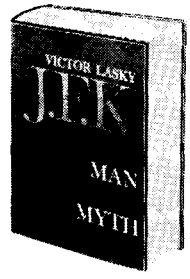

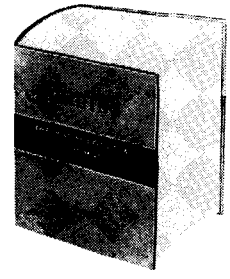

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France in 1957 to write the usual turncoat book with the indigestible title of *J'ai véçu dans l'enfer communiste du Nord Vietnam et j'ai choisi la liberté.* Yet, Honey, while admitting that the turncoat's allegations about intra-party strife are unsupported by other sources, goes on to state that "I entertain no doubts about the honesty and integrity of MR. T—, whom I have met." And he ends his chapter by stating that, "although *not a scrap of evidence* [my italics] has so far come to light to corroborate it, [it is probable] that Ho Chi Minh was secretly reassuring the Soviet leaders. . . ." If that is what MIT's director of the International Communism Project calls in his foreword the "first systematic, exhaustive analysis" of the North Vietnamese situation, then we might as well go back to geomancy, astrology and palmistry as valuable adjuncts to research on Communism.

But Honey's conclusion deserves careful reading today in Washington, since it is obvious that a new Vietnam policy must be developed sooner or later, and one that takes cognizance of the existence of North Vietnam:

> "As long as some link remains between China and the Soviet Union, North Vietnam will not be called upon to make the terrible decision about which leader to follow. Once those links are severed, however, then the die will have been cast. North Vietnam will begin to slide down the slope that leads to Chinese domination or Chinese annexation."

Unfortunately, Honey draws no conclusion from that important final phrase, for it is obvious that it is not in the West's interest to build for itself yet another abrasive border with Mao. And the obvious corollary to that conclusion would be that the West would have to give the North Vietnamese some sort of alternative (the officialese word would be "option") to Red Chinese annexation. However, such thoughts would no doubt be considered as "ax-grinding" by Mr. Joseph Alsop. Or even as twaddlethink.

Worried to Death

by Charles Burton Marshall

A troubled spirit is likely to seek ease by restoring conditions of a prior and less vexed stage of existence; in extremity, even conditions prevailing before the beginning of consciousness itself. During a spring night in 1949 at the Naval Medical Center in Bethesda, Maryland, James Forrestal arrived at that dark limit. Left momentarily unattended, he sought an end to life by hanging. The cord broke. The resulting fall was fatal. Public circles were appropriately shocked over news of the suicide of the nation's first Secretary of Defense, the most prominent figure in official life ever to take that way out.

James Forrestal: A Study of Personality, Politics, and Policy
by Arnold A. Rogow
(Macmillan; $6.95)

Arnold Rogow's account of the man begins and ends with the lamentable closing phase. Events of a mixed, busy and significant career are pointed toward the final inward collapse. An important public servant's life story is intertwined with a case history of breakdown. The first aspect is the better known one, because clinical data relevant to the latter facet and a Navy Surgeon General's report of investigation concerning the final circumstances remain professionally and officially privileged. Rogow, who professes political science at Stanford, pieces out his examination from recollections called up by those willing to talk among the subject's colleagues and kinsmen and from an ample legacy of letters, journals and files.

The account follows a classically familiar course, and if anyone should ever attempt to put it into drama, the play would seem to echo dozens of other plots: a dominant mother, a pliant and subordinate father, an insecure youth's rebellion against the constrictions of small-town middle-class ortho-

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doxy, a too intense pursuit of success in college and after, an ambiguous marriage, uncomfortable and aloof parenthood, and wealth and eminence devoid of small joys. The quest of private gain palls. High policy and the world scene offer grander opportunities but no consolations. The habit of over-compensation never desists. The sense of purpose ever outruns sense of proportion. On a crowded stage, the hero remains isolated. He elicits respect but cannot offer affection. As Paul put it, to speak with the tongue of men and angels but not to have love is as sounding brass and tinkling cymbal: "If I have not love, I am nothing." That a man so outwardly successful should have been so driven by anxiety brings to mind Michael Hamburger's lines:

Pity those men who from the start
were martyrs to some dream or art,
who marched through continents or
tried
to till the desert of the heart,
who won or lost the game and died.

That a man so inwardly harassed could have exacted so much from himself commands awe.

Notwithstanding a few lapses – for example, a misidentification of Edward R. Stettinius as ambassador to Moscow – and some extra thick slabs of quoted record, the writing in the book is good. The substantial design, however, is difficult and puzzling, and a plea for subjecting high public officials to periodic psychiatric examination seems tacked on, though the notion may be worth looking at further.

The two aspects of the story interact, perhaps unduly. The links between a private disintegration and the fatigues and frustrations of high public responsibility are inherently elusive. Even for experts, it is difficult to sort cause and occasion in such a case. The war years and immediate postwar years were heavy with ordeal for men in such roles as Forrestal's – special assistant to the President, Undersecretary and then Secretary of the Navy, and finally Secretary of Defense trying to cope with the centrifugal forces at work among the Army, the Navy and the Air Force. In less exacting circumstances, life might have been supportable. Nobody knows. Other men have held together in equally stressful circumstances, while some have given way under much less strain.

On the other hand, the fact of ultimate collapse leads to retroactive over-interpretation. As a small instance, Forrestal's preoccupation with Harold J. Laski's role and intentions – a matter dwelt upon in detail by Rogow – signifies little. Laski was taken too seriously by a number of critics and admirers, including Laski.

Toward the end, Forrestal was indeed worried – worried sick, some would say – over issues of national security and what he took to be wrong-headedness among a number of persons in high position. Small wonder! Some of them were wrong-headed. Forrestal's privately recorded anxieties as to whether one hierarch or another really understood the shape of things to come following defeat of the Axis were well enough taken, irrespective of the pitiable delusions of the very last phase. Forrestal looked ahead perceptively while a good many others about him were cultivating dreams of a world harmonized and secured on a basis of permanent extension of the wartime entente. When he saw something not visible to others, far more often than not it was because they had on blinders. He tried to ask the right questions in a time prepossessed with wrong answers.

To attribute to him "a kind of premature McCarthyism," in a phrase from a review by Eric Goldman, seems to me as uncalled-for as General Edwin Walker's attempt to claim Forrestal as a martyred ally. I do not understand the phrase, perhaps because I cannot conceive of a *mature* McCarthyism. Forrestal's relevant worries were legitimate and his means regular, and he kept to his jurisdiction. Why compare him with the late Wisconsin Senator?

"YES, YES, *Power bobbybakerizes, and absolute power bobbybakerizes absolutely. It is in the nature of cheese to attract mice. Who knows the point at which an aroma turns into a stench? The majesty of the White House is in itself a powerful deordorant, but before this stench settles forever into the woodwork, President Johnson should seriously consider making public the financial dealings of the Austin TV stations, alleged beneficiaries of some of the bobbybaking.*"

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ART

Frasconi the Printmaker

The melting pot is still bubbling, however fitfully. Some of the finest woodcuts now produced in this country are made by a man named Antonio Frasconi who came here in person from Uruguay rather than *in potentia* with his grandparents from Italy. By name and by natal geography, he's a man of southern, Mediterranean culture, yet he has taken an art of the savage North and made it his own in an age when Northerners are engaged once more in their recurrent task of civilizing themselves by going Mediterranean: the print revival in America, having begun with the lithograph and the serigraph, has for some years now been centered squarely on the intaglio print. The relief print, of which the woodcut is the great traditional species, has undergone a remarkable change. Relief prints are still made, but more and more they are made by building up the surface from which prints are to be made, rather than, as in woodcuts, cutting away the surrounding surface. Another relief variation, perfected if not invented by Edmond Casarella, is the paper or cardboard cut, in which levels of laminated cardboard are peeled away to create the relief surface from which prints are taken. In Casarella's hands this process has been used with great sensitivity and subtlety and has greatly enlarged the range of the relief print.

But there has remained the old process and Antonio Frasconi has addressed himself to it for about the last 20 years. The second half of that double decade was made into an exhibition of great power and beauty late last year at the Baltimore Museum of Art; derived from the Baltimore summing up, a large show is now being circulated nationally by the Smithsonian's Traveling Exhibition Service.

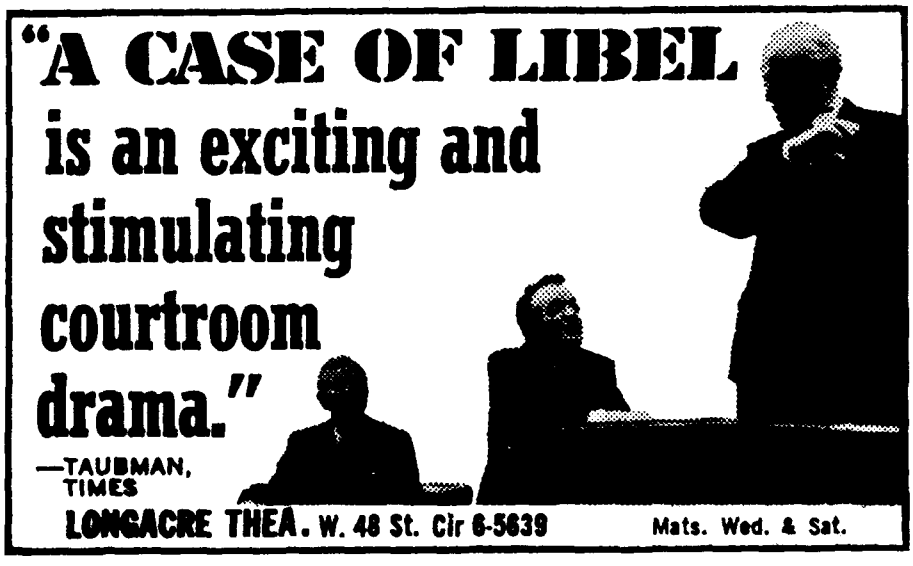
Power and beauty – and their union – will do as a summary of Frasconi's contribution to the ancient medium. From the very beginning, when it was being used as a substitute for the hand illumination in the newly marketed printed books, the woodcut has always had power, one source of which is its demand for crude, broad areas and thick, heavy lines. Beauty of line and delicacy of tone have seemed to come much more naturally to etchings and engravings, executed on copper, which has a molecular structure of total regularity and fineness compared to the highly variable grain of wood.

Frasconi has got around that historical separation, partly because he works so much in color. In somewhat the same way that there never was any such thing as a truly silent movie – some kind of musical score being intended from the first – so the use of color is not something that was added later in the history of prints. As soon as there were prints, in the 15th Century, there were colored prints, with the color added by hand and the prints designed to receive it. Early German efforts at true color printing followed the same pattern of color added to a basically black line design. Not the Italians, however, who were developing their own chiaroscuro woodcuts at the same time. With them, apparently in order to reproduce the effects of wash drawings, color was not something added to line, but an essential part of the color print; one block printed alone was nearly meaningless.

It is in that tradition that Frasconi has worked. He has also worked within a contemporary print tradition that is the chief return to nature in art of our time. The rhetoric of most painting for the last two decades has been that there isn't any more nature in the old sense, only horrible cities and horrible psychiatric problems, both expressed by dribbling paint and, more recently, by fixing Coke bottles and other objects into paintings. Printmakers, however, have found nature, old, vegetable nature, as productive as ever of reflections leading to art. In general, the contemporary printmaker's reflection centers on the processes of nature rather than on rolling landscapes. In the thistles of Dean Meeker, the grass of Gabor Peterdi, the viewer is led to see the sheer, silent, inexorable upthrust of growing things. Piranesi saw and recorded the power of windborne seed to crack and tumble the monuments of Caesars. Our print contemporaries often show that power by itself, with no reference to Caesar.

Frasconi sees man not as being bested by multiplying nature (as did Piranesi), but as doing his patient best to cope. The multiplicity by itself was seen by its widest audience in last year's Science stamp, designed by Frasconi to show an endless stream of pale blue stars coursing in the firmament above the globe.

The same endlessness appears often in the Baltimore show. A decade ago Frasconi was getting a good look at the lettuce farms of California. In one print the rows of lettuce march from the horizon to the bottom edge and to both sides, the leaves springing out of the earth, which also retains the feel of wood. A couple of telegraph poles and a distant house measure the space. Bent among the rows are the silhouette forms of half-a-dozen farm laborers,



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lost in the limitless lettuce yet patiently going at their task.

The feeling of an immense harvest is even stronger in a later series on the harvesters of the sea. Black gulls or rocks punctuate a sea without limit. Upon its surface black boats maneuver, black men cast out black nets; but the sea itself teems with life beyond counting, an effect Frasconi achieves not through the multiplication of fish forms – there are none – but through endless subtle variation in blue textures.

All of this is worlds removed from the simple aims of the old-fashioned nature printmaker, but it demonstrates once more that nothing can ever really be counted out of art.

There is a remarkable sequence of prints apparently inspired by a long visit to Spain. The familiar Frasconi appears in variations on the Alhambra: from the building in its setting we move to a down-view of flowers floating in water. Then there is a series on the arena, in which Frasconi achieves a cut wood equivalent of the etchings-aquatint effects of Goya and Picasso. We then move to the walls of Spain, with their commemorations of fallen rebels and fallen poets. Franco and old-style clericalism are saluted, partly in fantastic images recollecting Goya. A wall is seen with a memorial photograph juxtaposed to hammered-in nails. Those instruments of torture from the earliest woodcut crucifixions retain all their ancient evocations of Most Catholic Spain. The sequence closes with a color woodcut of just the nails in the wall: driven, shadowed, seen closely in great numbers, like lettuce, like the fish in the sea. They become man's death-answer to the force of life.

FRANK GETLEIN

NOTES ON CONTRIBUTORS

Jean Daniel *writes for* L'Express, Le Monde, *and* The New Republic. John Updike's *books include novels and collections of poems and stories.* Carl Kaysen *is on the economics faculty of Harvard.* Bernard B. Fall *is the author of* The Two Vietnams. Charles Burton Marshall *lectures at the Johns Hopkins School of Advanced International Studies.* Frank Getlein, *in collaboration with his wife, Dorothy, has just published a new book,* The Bite of the Print (Clarkson N. Potter; $12.50).

A Communication

That Oswald Paternity Case

Sirs:

Nobody likes to acknowledge a bastard, as the letters from Gerald Johnson and David Hamilton show (*Correspondence,* February 8). But may the prosecutor – now the defendant – reply? I think the question has serious political and moral implications.

Dismissing my "acceptance of the record as showing Oswald was a leftist" as "over-hasty," Mr. Johnson proposes a new (and comfortably non-political) category: "something far more sinister," namely "The Sour," that "huge army of the frustrated" to whom our society seems unable to give a meaningful life, or even simple employment. Well, yes and then again no. Yes that they are a "menace" – the wonder is they have not committed more atrocious acts – and yes that Oswald "hated everybody" with a Thersites-like grudge, especially the "conspicuous." But I can't see how one can read the record, hastily or not, without concluding that the obsessions in Oswald's poor sick brain were stereotypes of Left, *not* of Right, ideology.

That Kennedy was a liberal while General Walker (sorry about calling him Taylor, slip of typewriter) was an ultra-rightist does not prove, as Mr. Johnson thinks, that Oswald's dementia was non-political. The record shows that Oswald, soured on his own country, moved to Soviet Russia (not to Spain or Portugal, note) whence he returned disillusioned with the USSR as bourgeois and authoritarian. He then fixed on Castro as his hero. Partly because he saw him as a resolute enemy of the country whose neglect had made him one of The Sour; partly because Khrushchev's negotiations with Kennedy for a *detente* in the cold war may well have seemed to him an unprincipled compromise – "a rotten compromise," Lenin would have said – with American imperialism; and partly because he had never lived in Cuba. Had he survived to do so, he would probably have come to detest Cuba for the same reason he detested the USA and the USSR: non-recognition of Lee Oswald. His hopes would then have shifted to

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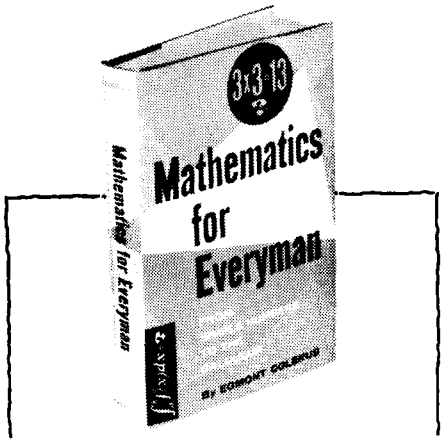

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Communist China, and so on. The point is that from Oswald's ultra-left standpoint, Kennedy as a liberal was far more dangerous than General Walker precisely because he pretended to be on the side of peace and democracy. Khrushchev may have fallen for that bill of goods, but Oswald didn't – and don't forget the Bay of Pigs.

I dare say all this sounds like lunacy to Mr. Johnson, but, as a veteran of the leftist wars of 1935-1945, I can assure him that many sane and even intelligent persons indulged in this kind of political thinking. So I can quite understand how "liberal" and "reactionary," categories that seem absolutely opposed to Mr. Johnson, were for Lee Oswald relative, and often with the relation just the contrary of the one that a sensible liberal, unschooled in such "Marxian" dialectics, would take for granted.

I agree with Mr. Hamilton that since Oswald never had his day in court, I should have described him as "the accused" rather than as "the assassin," and I apologize. (Though I must add that the evidence so far seems to me to show he *was* the assassin beyond any reasonable doubt.) Since I don't steal candy from babies or pennies from blind beggars, I won't apply reason to his *cri de coeur* beyond noting that, since the last sentence of my letter was "Oswald is our baby, not theirs," I'm bewildered when he sees in my letter a McCarthyist guilt-by-association smear. Either he was so enraged that he couldn't finish it, or else he is accusing me of smearing myself too – a kind of political hari-kari. I do rather resent his reference to "that [McCarthy] era when Mr. Macdonald and gang insisted that every liberal, guilty or not, keep company in the corner with a varied assortment of ex-Marxists doing penance." He is indefensibly ignorant. I never had a "gang" – really what language! And how reminiscent of "that era": maybe I should sign an affidavit that I am not now and have never been a member of the Macdonald gang.

Far from insisting that "every liberal, guilty or not" do penance, I was appalled by McCarthy's failure to make distinctions between Communists and liberals, or between former Communists (and sympathizers) and present ones. (See pages 319-331 in my *Memoirs of a Revolutionist*, which reprint a 1952 article in *The Reporter* and a 1954 one from *Partisan Review*.) I might add that I think Communists, and Communist spies, should be protected by the Bill of Rights; that I wrote against the Smith Act when it was first enacted; that I have given some time and effort to get Junius Scales and Morton Sobell released from prison because I thought the former's conviction under the Smith Act a miscarriage of justice and because I thought the latter was tried unfairly and sentenced vindictively – to thirty years – during the McCarthy era. Scales was given a Presidential pardon last year, but Sobell is still imprisoned: he was made a co-defendant in the Rosenberg case, on the flimsiest grounds – see the late Justice Jerome Frank's dissent in the Federal Court of Appeals for the New York district – and he faces another fifteen years of standing in a corner doing penance (in a Federal penitentiary, fittingly). If Mr. Hamilton wants to progress from the plane of lamentation and abuse to that of action, I shall be glad to put him in touch with the Sobell defense committee.

Meanwhile let's have no more nonsense about gangs or generations on trial or the non-violent main stream of

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American liberalism. Indeed, it is just the fact that Oswald was *not* a liberal that seems to have confused Mr. Johnson and Mr. Hamilton; they expect him to behave as they would have. I am not a liberal either, speaking as a former Trotskyist who is now an anarchist-conservative with pacifist sympathies, and I have tried to explain Oswald's behavior in non-liberal terms. He is "our baby" because all of us – him, me and my liberal critics – are "left" rather than "right" if the goats are divided from the sheep as crudely as TRB did ("the brooding Oswalds of the left or right wing") in the column that started all the fuss.

Dwight Macdonald
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Written December 10, 1963 in a special introduction to this edition—the first of many prophetic conclusions by this knowledgeable reporter to come true.

In combining first-hand experience and serious study, few in the United States are as well qualified as Edgar Snow to analyze the complex relationship of China, Russia and the USA, a relationship which may well be the key to international affairs in the coming decades. Probably no one in our country knows the Chinese Communist leadership more intimately than Mr. Snow, who has aptly been called Mao Tse-tung's Boswell. Nearly thirty years ago he penetrated into the vastness of Yenan and came out to write that classic of witnessed history **Red Star Over China.**

Mr. Snow has also spent much time in the Soviet Union, and his writings on Soviet developments have been remarkably prescient, particularly in regard to the Stalin-Tito feud and the role of nationalism within the Communist world.

Throughout many years of travel as a foreign correspondent, Mr. Snow, a native of Missouri, has never lost touch with his own country and the American point of view on international affairs.

He carried this point of view in his recent extended travels throughout Red China as the only American correspondent accredited by both Peking and the State Department. The result (see reviews) was a most important massive study. **The Other Side Of The River.**

The culminating section of this massive study consists of seven analytical chapters presented here under the title **CHINA, RUSSIA AND THE U.S.A.: Changing Relations in a Changing World.** The value of this section is shown in the reviews of the parent volume, which stress the timeliness of the issues covered.

A COMPANION VOLUME **DRAGON PINK ON OLD WHITE**

by Philip Bonosky

The charming, if somewhat puzzling title *Dragon Pink On Old White* reflects both the substance and the mood of this refreshing book. In China, white is the color of deceit and red is the color of heroism. (Black, incidentally, is the color of virtue.) On the stage, evil emperors were traditionally shown with white faces but as the New China re-evaluates their historical roles, some of them are having their cheeks tinged with pink.

American ignorance about China, though great, is vincible. This delightful book speaks to the many people who despite political allergies are yet receptive to literature, theater, music, dance, painting. By osmosis they will get a sense of the Chinese people and of their problems. Mr. Bonosky has thus made a distinctive contribution to world amity.

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